Public Administration

Volume xxviii **Spring 1950**

Changes in Treasury Control

THE Treasury Circular reproduced in this number describes recent changes, of which the Civil Service will already be aware, in the system of control by the Treasury of departmental complements. We feel that these changes are of sufficient significance to be brought to the notice of those outside the Civil Service who are interested in administrative methods. Although the Circular speaks for itself, it may be useful to make one or two comments by way of introduction.

The traditional method of Treasury control over establishments is the review of what the Civil Service calls "complements" (i.e., the total of authorised staff posts for any particular job) supplemented in between such reviews by the authorisation of increases in numbers or improvements in grading to meet changed circumstances. This system sufficed for a smaller Service in days when changes were less frequent. But of recent years more and more of the time of officers in the Establishment branches of Departments has been spent in making applications to the Treasury to vary the complements in this or that branch or to upgrade a post here or there; and consequently in the Treasury likewise, more and more time has been consumed in scrutinising such applications. The result has been a tendency for too much energy, both in the Treasury and in Departments, to be devoted to individual changes which are matters of comparative detail, at the expense of wider and more important factors in staff control.

The new system cuts at the root of this difficulty. The increased delegation of authority from the centre (the Treasury) to individual Departments gives the departmental authorities freedom to vary gradings (except at the higher levels) in accordance with changing circumstances on their own responsibility. It also enables them to switch manpower from one branch to another, without prior authority, within the limits of the total staff or "manpower ceiling" sanctioned for the Department from time to time.

It is an essential feature of the scheme that Departments should maintain effective systems of internal staff inspection so as to ensure that throughout their branches manpower is currently adjusted to the work in hand, whether the work is increasing or decreasing.

It must not, however, be thought that this scheme represents an abrogation of Treasury control. Just as the new arrangement will give more scope for Departments to concentrate on the essentials of staff management, so too the Treasury—relieved of much of the detailed work of considering individual

applications, which will now fall within the wider delegation of authority to Departments—will be able to devote more attention to those aspects of staff management which are appropriate to a central Department. The Treasury will not seek to do over again the day-to-day work of control of establishments done by the departmental authorities. Instead it will concentrate on general oversight of the way in which the Departments are carrying out their delegated powers. And in addition to this it will undertake on a small scale actual staff inspection (for which purpose its staff is being reinforced) to supplement and check the internal inspection system of the Departments. This system will enable the Treasury to maintain a far more effective, although a more general, oversight of the general body of departmental establishments than has been possible in recent years.

To sum up, the new arrangements are a redefinition of responsibilities to bring them into line with present-day conditions and to enable those responsibilities to be more effectively exercised. Like all important changes—and this is an important and significant change—the new arrangements are based in part on experience: in this instance experience gained in recent years in delegating authority in regard to staff numbers and grading to a limited number of larger Departments.

Not less important than the new arrangements themselves is the change in outlook which it is hoped they will bring about throughout the Civil Service and in the Treasury itself. It is of the utmost importance that the Treasury should be, and should be known to be, interested in the broader issues of administration, and content wherever possible to leave matters of detail to departmental authorities. It is encouraging, therefore, to find that these arrangements have met with cordial approval on all sides. Their practical application will be awaited with much interest.

Our Contributors

Mr. Herbert Morrison, M.P., Lord President of the Council, Leader of the House of Commons and a Vice-President of the Institute of Public Administration has probably been the most important influence on the form which nationalisation has taken in this country. His experience in preparing the London Passenger Board Bill led him in 1933 to write *Socialisation and Transport* which is still the main exposition of the theory of the public corporation.

John H. Warren, M.A., D.P.A., is General Secretary of the National Association of Local Government Officers and a former Town Clerk of Slough.

S. C. Leslie, C.B.E., is Director of the Economic Information Service. He was the first Director of the Council of Industrial Design and has also had a wide experience of Public Relations work.

W. S. Steer, D.P.A., is Lecturer in Public Administration at the University College of the South West, Exeter.

Raymond S. B. Knowles, D.P.A., A.C.I.S., L.P.M.P.T.I., is a member of the staff of the Surrey County Council.

Harry Street is Lecturer in Law at Manchester University.

Mekki Abbas is a Graduate Student of Nuffield College and was member of the Sudan Local Government Advisory Board, 1943-1946.

Public Control of the Socialised Industries*

By The Rt. Hon. Herbert Morrison, M.P.

I CAN only touch on a few aspects of this vast subject, and I shall divide my remarks into two categories: (*a*) general policy; (*b*) day-to-day management. In each the problems that confront us largely derive from the form which the present Parliament decided that the socialisation of the basic industries shall take:—management as commercial enterprises by Boards with the maximum independence in day-to-day matters but subject to general control in the respects laid down by the socialisation statutes. Some of the problems would not have arisen if the industries had been nationalised on either the G.P.O. or the B.B.C. or the London Passenger Transport Board model, though others of equal difficulty might well have done so.

1. General Policy

The chief methods of control at the disposal of Ministers are (*a*) their powers of appointing and removing Board members; (*b*) their powers of direction; (*c*) persuasion.

(a) *Appointment and removal of Board members*

The large measure of autonomy enjoyed by the Boards makes the right choice of Board members particularly important; and the power of removal is of course much less effective as a method of control.

The quality of the existing Boards is high—we can congratulate ourselves on their quality—but the following are some of the long term questions which I suggest deserve examination by students of public administration. In some cases I have deliberately over-simplified them; to some the answers will differ for different undertakings; on all I have my own ideas, but I would not be dogmatic, and all will repay careful study. I have always said that we must learn as we go along, and I throw them out as points which, in the light of past experience both of large-scale private organisations and public Boards, may require special attention.

(i) What is the right balance between whole-time and part-time members?

(ii) What are the qualifications for which we should look in each category? With the whole-time member how much importance attaches to specialised knowledge of the industry as distinct from general administrative and business experience and aptitude? Is it desirable that in the long run the majority of the whole-time members should be recruited from the particular industry, or should we not contemplate that there should always be a considerable infiltration of outside blood?

(iii) We have tried to draw on the widest possible field for both whole and part-time members of the Boards, and have not forgotten that good men are to be found in Scotland, Wales and the English provinces no less than in London. But obviously there are sources still untapped. How then can the range be further widened? To what extent should risks be taken in the search for new blood and in drawing on apparently promising material from levels below the top? We must be prepared to make mistakes in trying out new blood, but we must be sure that we do not make mistakes too often. And I am afraid that we must face the fact that in public administration as well as in politics, education, the arts and every other branch of national life, the country is suffering from the dreadful losses which were inflicted on the men who were in the prime of their youth in the 1914–18 war: this is now being felt in the age groups to which in the main we have to look to bear the heavier responsibilities.

* Based on a paper given by Mr. Morrison at a Nuffield College Conference in September, 1949.

(iv) What should the role of the part-time member be *vis-a-vis* his whole-time colleagues and the senior officers of the industry? I am sure that he has an important contribution to make. His whole-time colleagues and the senior officers have the advantage of living with the industry day in and day out, but this may have its dangers and the positive contribution which the part-timer can make derives from the very fact that he can bring an outside point of view to bear. It is for this reason that he is put on the Board with equality of status, and he has a high responsibility to discharge. It is important that he shall be given every opportunity of playing his full part in directing the affairs of the industry.

(v) In what circumstances and to what extent is it desirable that a Board shall be organised functionally?

(vi) Have we yet found the solution of the problem of workers' representation? I am certain that it would be a mistake to provide for direct workers' participation in management as members of the Board of an industry in which they continue to be employed or in respect of which they are still active trade union officers, though I am anxious that joint consultation between workers and management shall be developed as far as possible. From the point of view, however, of satisfying the aspirations of the workers and making the most of the contribution which trade union experience can give to management generally, should there be any change in the existing practice?

(vii) What more do we need from the industrialist or businessman who is appointed to a Board than success in private enterprise? And what is there still to be learned about the problem of making a Board—it arises no less in large scale private organisations than in public ones—work as a unified whole instead of as a group of talented individualists? There is a problem here both for those who choose the members and for the Chairman and the members themselves.

(b) *Powers of direction*

Ministers' powers of direction may seem at first sight to be their main instruments of control, and they are, of course, an important element in the socialisation statutes. It is essential that the powers of direction shall be there, but the success of the system of dual control we have adopted depends upon the maximum harmony between Boards and Ministers. The worst possible state of affairs would be the indiscriminate use of directions to ride roughshod over the Boards, and given that both Board members and Ministers are reasonable men, ready to understand and open to persuasion about the other point of view, there need not be many cases where at the end of the discussion there is an irreconcilable clash of opinion about the best course in the public interest.

(c) *Persuasion*

So in practice the Government must mainly rely upon persuasion to influence the Boards. But whether it relies on compulsion or persuasion, the fundamental problem is the same. It is to reconcile two principles which may appear to be inconsistent: (i) the Boards must be run as commercial enterprises, and make ends meet over the years; (ii) for reasons of national social and economic policy, the Boards must do things which by definition they would not do if they were influenced solely by commercial motives.

I do not share the view that it is impossible to reconcile the management of the socialised industries on commercial lines with the obligation to take non-commercial considerations into account. Under modern conditions private industry is doing this every day. (*a*) Its commercial freedom is limited by Government controls. (*b*) British industry is by no means unresponsive to governmental persuasion where the public interest is involved. (*c*) And it is often bad commercial practice—bad labour relations and bad public relations—to pursue the profit motive without regard to broader social considerations. It may even be the road to nationalisation!

Siting of factories, limitation of dividends, fuel economy, employment of the disabled, special leave for Territorials, priority for exports, are

some examples out of many where without formal compulsion private industry has taken courses which on a narrow view would be uneconomic.

As a first principle, therefore, I would lay it down that the socialised industries, like private industry, should be expected to act as good citizens and good employers.

How much further should they go? One of the reasons for socialising the basic industries is that it would not be safe to rely on persuasion to ensure that they conform to national policy; and it has always been understood that there might be circumstances in which they would be required to do things which would not be expected of even the most public-spirited private firm.

It does not necessarily follow, however, that these would be things which would unbalance their accounts. It may have been unpalatable to the British Electricity Authority to introduce surcharges last winter: there was no reason to suppose that it would make it more difficult for them to balance their accounts. There may even be cases in which at the request of the Government the Boards embark on projects which prove to be profitable, but which they would be reluctant to undertake because the projects are likely to be unpopular or are of a speculative character.

In cases like these, where the Boards are asked to do things which are disagreeable to them but not necessarily unprofitable, the only question, I think, is whether they should ask for the protection of either a formal direction or a public statement that they are acting by Government request.

I doubt if it is possible to lay down a hard and fast rule. It was made known that the Government had asked the B.E.A. to bring in the surcharge scheme, and quite rightly, I think. But there are arguments on both sides, and the Board must make up its mind in the particular circumstances. There are some considerations which, I imagine, would weigh with them against asking for cover in every case. They will wish to bear their proper share of the responsiblity for decisions which are taken in the wider public interest; and, rightly or wrongly, every case in which it was known that the Board had acted at Government instance would be looked upon as evidence of disharmony between it and its parent Minister. The Board's own authority would be weakened, and the decision would become the subject of political controversy.

What, however, of measures which the Boards are asked to take, notwithstanding that there will be a financial loss? It would be unrealistic to rule out the possibility that in the last resort the State might have to subsidise, but I am sure that this should be very much a last resort. The following are some of my reasons:—

(i) Subsidies are bound to increase the Board's dependence on the Government and to bring them into the political arena.

(ii) I believe that the desire to keep out of the red is a salutary incentive to economy, and the risk cannot be ignored that the knowledge that subsidies were in the background might tempt all concerned to take the easy way out in the direction of extravagance.

(iii) Where do we draw the line? It would be wrong to subsidise the socialised industries in order to enable them to do what I have suggested should be expected of them as good citizens. It would be regrettable if they came, cap in hand, to the Exchequer whenever they foresaw financial losses due to Government intervention, and it would need the wisdom of a Solomon to disentangle the losses which were, in fact, due to such intervention from those which were due to other causes—such as inefficiency—or which might have been incurred if the Board had taken its own line, and to offset against those losses such profits as might have been due to other instances of Government intervention.

On the whole, therefore, I am sure that it is best to carry on in a spirit of give and take on both sides. The Boards must always be conscious of their obligation to serve the wider public interest; there is little risk on the other hand that Ministers will wish to impose on reluctant Boards policies which will

add seriously to their financial difficulties, if only because Ministers are no less interested than they in their commercial success, and Ministers will have to take the lion's share of the blame if insolvency results.

2. DAY-TO-DAY MANAGEMENT

Primarily in the interests of commercial efficiency, Parliament, by a self-denying ordinance, has relinquished its claim to exercise detailed supervision over the affairs of the socialised industries.

If this meant that, subject to loose Ministerial control, the Boards were to be virtual dictators during their periods of office, clearly it would not be justified. No group of men should be placed in irresponsible control of great publicly-owned undertakings (nor, indeed, of private monopolies).

There is, of course, no question of this in the socialised industries, but there are some Members of Parliament who are anxious lest in a good cause Parliament has gone too far in setting the Boards free from the vigilant Parliamentary supervision which is the normal lot of national enterprises. As a Parliamentarian myself, I see their point of view.

At the same time I am anxious that the socialised industries shall be kept out of party politics as far as possible, and I look forward to the time when they will be regarded as national institutions whose achievements and whose failures can be discussed in a non-partisan spirit much as we discuss those great public enterprises, the Universities.

Our task is to substitute for the detailed Parliamentary control which is applied to the Post Office, or the Ministry of Civil Aviation in respect of aerodromes, or the Ministry of Supply in respect of R.O.F.s, other arrangements for public accountability which are at least as efficacious and which are accepted by Parliament and the public as equally efficacious.

I cannot deal in detail with the different methods which have been adopted to make the Boards accountable for their work, and I shall confine myself to accountability to the general public, though through the arrangements for joint consultation they have also to be ready to discuss many matters with an important section of the public in the shape of their own employees.

Here are some of these methods:

(i) *Consumers' Councils and similar machinery*

It is too early to judge these arrangements to the full. For my part I shall not be satisfied until every housewife—it is usually the housewife—knows how she can make her complaints and offer her suggestions. I do not mean by this that she should short-circuit the local manager by taking every trifle to the nearest representative on the Consumers' Council, but if she cannot get redress through the ordinary official channels she should be helped in taking her grievances higher.

(ii) *Market and consumer research*

I assume that the Boards will make full use of modern techniques for keeping themselves informed of consumers' needs and grouses, even though they are not openly ventilated through the consumers' consultative machinery.

(iii) *Public relations*

The socialisation statutes provide for the publication of annual reports and accounts. The recent Annual Report of the Coal Board—a first class piece of work in my judgment—is as good an illustration as I know of the advance which this represents on the state of affairs before nationalisation. It provides the public with the material about the Board's past performance, present problems and future plans on which informed discussion can alone take place.

In the nature of things, however, the annual reports are for a limited public, and, as I think all the Boards recognise, they are no substitute for an all-round public relations programme. I do not suggest anything extravagant. Quality, rather than quantity, is the golden rule in public relations. But the Boards are

right to take steps to present the salient facts in the annual reports to the general public, including the workers in the industry; to supplement them with popular material about different aspects of the Boards' activities; to open the doors as far as practicable for public inspection of the nation's undertakings; and in general to make the public feel a proper sense of partnership in the socialised industries. And partnership implies frankness from the Boards, and the right of the public to a fair hearing for its criticisms. It is in particular important to explain in simple terms the reasons for measures which may seem to cause unnecessary inconvenience to the consumer.

(iv) *Parliament*

Though Parliament has renounced its full rights of detailed supervision of day-to-day management, the renunciation has not been nearly as complete as is sometimes supposed.

First of all, Members of Parliament have access to the Boards with the complaints which reach them about the management of the socialised industries; Sir Cyril Hurcomb, as will be recalled, announced publicly that he personally would answer all letters from Members of Parliament to the British Transport Commission. Let us not underestimate the value of this method of ventilating complaints; it may often be more effective in getting things done than would be the case with public ventilation in Parliament.

Secondly, the rigour of the rule that Questions about day-to-day management are not answered has been mitigated by the Speaker's readiness to allow Questions on matters of large public importance, though it remains within the discretion of the Minister whether to answer them. As regards debates on the Adjournment the rules are less strict, and there have been a number of discussions about matters of management. It has always been contemplated that Parliament would have periodical debates on the annual reports of the Boards; the Debate which took place on the Annual Report of the National Coal Board on the 10th November, 1949, was, I think, an encouraging example of what I hope will become a regular practice, with the party political element increasingly disappearing. Ingenious back-benchers recently discovered that they could raise points about management in the Second Reading Debate on a Private Bill promoted by one of the Boards. Ministers can, of course, be called to account by the usual methods for their own specific responsibilities.

Some of this may seem inconsistent with the general rule as applied to Questions, but there are great merits in inconsistency in its proper place, and it is, I am sure, good that Parliament shall have periodical opportunities for discussing the management of the socialised industries so long as this does not merge into the continuous detailed supervision which is accorded to Government departments.

3. MANAGERIAL EFFICIENCY

There remains one of the most difficult of all the questions which is posed by our present experiment in socialisation. How can the public, and Parliament as representing the public, be satisfied that the socialised industries are being conducted efficiently? I will not in this paper concern myself with the wider aspects of efficiency in the economist's sense of the most economic use of the available resources. I am thinking of what may be called managerial efficiency, and I shall assume that of two organisations which are trying to achieve the same object with the same resources one may set about its task more efficiently than the other.

It is important that the socialised industries shall be efficient in this sense, and whether they make profits or whether they give satisfaction to consumers may not prove that they are efficient or inefficient. They may make profits or satisfy their customers despite extravagance and mismanagement; they may lose money or annoy their customers through circumstances outside their control, despite a high standard of efficiency.

It may be possible from experience of the Boards to form rough and ready judgments upon their efficiency: to the extent that they compete with one another or, with private concerns, there may be rough and ready yardsticks for comparison. But, as I think all the Boards and most large scale organisations recognise, there are no automatic tests of efficiency, and it is necessary to make use of "organisation and methods" and similar techniques. There may be internal audits for this purpose, and outside consultants may be brought in *ad hoc*.

But is this enough? By these means the Boards may be able to satisfy themselves that their organisations are efficient, but does the public need some further guarantee in the shape of adequate outside checks on their efficiency?

Here are some of the suggestions which have been made:—

(i) Parliament might establish one or more committees rather on the model of the wartime Select Committee on National Expenditure—which would keep an eye more or less continuously on the affairs of the various socialised industries. Mr. Hugh Molson went so far as to suggest that the committees should be permanently staffed and should spend as much as three months in the year on each industry. The Conservative Party in "The Right Road for Britain" speak vaguely of the strengthening of Parliamentary control of the accounts of the undertakings; they are no doubt thinking of increasing the powers of the Public Accounts Committee.

The chief difficulty about suggestions of this kind is that they re-introduce meticulous Parliamentaty supervision by another route. Mr. Molson suggested that the Minister could take a neutral line when the report of the Committee was being debated. I do not say that Ministers should invariably defend the Boards, but could the parent Minister very well stand on one side when Parliament was debating criticisms which after careful inquiry a Parliamentary Committee had decided to make? And would it be right to expose the Boards to Parliamentary criticism of this kind without any spokesman to defend them? Clearly the Minister should not defend actions which he thinks are mistaken, and I am afraid that he would be driven into the position of wanting to satisfy himself that actions which might be the subject of criticism were defensible. He would be driven to take a close interest in the details of management; the Boards themselves would always be conscious of the risk that any action of one of their officers might be the subject of examination by the Parliamentary Committee; that would tend to make commercial officers Civil Servants, and it might in that case have been better to socialise on the Post Office model at the very outset.

(ii) There might be periodical outside inquiries on the lines of the inquiries which have now become customary into the B.B.C. They could take place at intervals of, say, seven or ten years, and could be conducted by either Select Committees or outside Departmental Committees, on which, if this was thought desirable, as it probably is, Members of Parliament could serve. They would provide the material for general overhauls of the structure and organisation of the socialised industries. They would not be so frequent as to hamper the Boards in their functions of management, but each Board would know that it must be prepared from time to time for an exhaustive stocktaking by an authoritative independent tribunal.

(iii) General reviews at long intervals would necessarily deal with broad questions of organisation and would not provide continuous outside examination of the Boards' efficiency. It has been suggested that to meet this need there should be an independent outside "efficiency audit." The public would then know that the efficiency of the Boards was subject to more or less continuous review by independent outside experts, and it is argued that, apart from giving important aid to the Boards, this would be on the one hand a salutary check upon the Boards and on the other a reassurance to the public and a method of bringing to light the

points on which criticism was due. There are, however, objections to the proposal. In the first place, " efficiency auditing " is not an exact science, and it would by no means necessarily follow that the experts would always be right. Secondly, it is important that the responsibility for management should rest squarely on the shoulders of the Boards and that nothing should be done to derogate from this responsibility; to expose them to public criticism by an irresponsible body of outside experts would be certain to promote friction, and in the long run might very well conduce to inefficiency. Then various ideas have been mooted for reconciling the conception of an independent outside check with the responsibility of the Boards for deciding questions of management. The reports from the outside experts could, for example, be confidential to the Boards, and they need be under no obligation to accept the recommendations; it could be left to them to call in outside consultants *ad hoc;* or they could exchange their own experts; or they might co-operate in other joint arrangements which would be entirely under their control.

All these suggestions deserve serious consideration, and no doubt there are other possible solutions which I have not mentioned. But I am only concerned here with stating the problem. I am not committed to any particular solution, and it would be vain to suppose that simple clear-cut answers to these highly complicated questions can be produced out of the hat. We are in the early days of great experiments of far-reaching importance.

The socialisation statute is the beginning, not the end, and in tackling the problems which are thrown up in practice we must above all keep fresh minds. Indeed, as I have often said, I believe that one advantage of socialisation is that it increases the opportunities for individuality and enterprise, and one of the chief objects of a socialised Board in evolving its organisation must be to give the fullest possible scope for individuality and enterprise at every level from the Board meeting to the coal mine or the workshop. This is not an easy thing to do in any large organisation, and it is all the more valuable that opportunities should be given for the interchange of ideas and experience between publicly- and privately-owned undertakings about the problems of management which they have in common.

The Work of the Institute of Public Administration

Sir Edward Bridges (Permanent Secretary to the Treasury), took the Chair at the first of the Institute's autumn series of lectures on "Financial Control, its place in Management", held at the Carlton Hotel, Haymarket, on Tuesday, 11th October, 1949. During the course of his opening remarks he said:

"Today is the first of a series of lectures on financial control and its place in management to be given at the Institute between now and Christmas. I am very glad to have been asked to take the chair today.

"It is perhaps an occasion when I could appropriately say one or two words about the Institute's activities generally.

"In these days when Government activities are so multifarious, there is more scope than ever before for the Institute. The range of governmental activities makes it all the more important that there should be a better understanding not only among those employed in public administration but also among the general public as to how the various parts of our system of public administration work in practice.

"There is also more need than ever before for study of and research into the problems of administration with which we are all faced. This study and research calls for a partnership between those who have the practical experience which comes from immersion in day-to-day administration—an immersion which in these strenuous days is too often total immersion—and those who can give to research and study of all these questions a first call on their time.

"In this respect, the Institute has a most important part to play—a part which has recently been recognised in a most gratifying form by the grant which the Chancellor has undertaken to make to the Institute over the next three years. But the Institute needs more than financial help. It needs also strong and active membership.

"The membership of the Institute comprises civil servants, the officers of local authorities, those serving under the public corporations and others interested in public administration. As a senior civil servant, it is to civil servants that I would particularly appeal and I would like to say that I hope that many civil servants, more perhaps than in the past, will be willing to find time to give generous support to the Institute. In particular, I hope that more of the younger civil servants will join the Institute and take part in its activities. By doing so, I am confident that they will not only find added interest and zest in their work but will be doing something which is of permanent value in the public interest."

Crown Agents for the Colonies

ASSISTANT ESTABLISHMENT OFFICER required by the Government of Nigeria for the Railway Department for one tour of 18–24 months, with prospect of permanency. Salary according to qualifications and experience in scale £660 rising to £970 a year, including expatriation pay. Outfit allowance £60. Free passages and liberal leave on full salary. Candidates not over 35 must be educated to matriculation standard and have had experience in dealing with staff work in a large undertaking. Preference will be given to candidates who hold a B.Com. or B.Sc.(Econ.) degree or who have followed a course of study on personnel management or secretarial practice. Apply at once by letter, stating age, whether married or single, and full particulars of qualifications and experience and mentioning this paper, to the Crown Agents for the Colonies, 4, Millbank, London, S.W.1, quoting M/N/24893/3C on both letter and envelope. The Crown Agents cannot undertake to acknowledge all applications and will communicate only with applicants selected for further consideration.

Local Self-Government. The Basis of a Democratic State*

By J. H. WARREN

I.

A TRUE conception of democracy must accord not merely a high value, but an indispensable role, to local representative institutions exercising a free responsibility for appropriate sectors of governance, public welfare, and social provision; and must envisage these institutions as agencies of local self-government, and not merely decentralised agencies of the state machine. It must, moreover, accord them such a place and such a role on grounds of political principle. It is necessary to add this, because it is possible to think of many reasons which can induce states democratic in form to establish organs of local authority. Administrative convenience is one reason which will spring readily to our minds. Another might be found in the recognition that some kind of representative local organ can bring useful local knowledge to the aid of the state itself. But in a true conception of democracy the place and role of local representative institutions belongs to its essential theory, and is not merely an incidental feature of the doctrine of state power, or one of many convenient devices for its exercise.

Nothing has become so plain during the last century as the fact that we do not achieve democracy by leaving an electorate to cast a mass vote periodically for a central government, when, as Rousseau sarcastically observed with some measure of truth, the citizens exercise their sovereignty by parting with it for another five years! Democracy cannot be realised as a human and political ideal, nor, as experience and history have amply demonstrated, can a stable and competent democratic state be built up in practice, unless there is an active participation on the part of the citizens in the processes of government, and the electorate itself is educated in the exercise of political responsibility (participation itself being a form of education). The mechanism of government should be such as facilitates the realisation of both these conditions; and both of them call pre-eminently for the establishment of free and responsible representative institutions in the locality as well as at the centre. All levels of government should be as accessible as possible, for the purpose of participation through elective public office, and similarly for the formation of knowledge and judgment by the citizens themselves. To leave out the local level would be to leave out the level most accessible. Moreover, it is the local level which lends itself most easily to both participation and education, through the very nature of the work which is there appropriate. It would be a distortion to say that no such processes take place at the central level. Party organisations and the Press are two agencies, among others, which assist in both directions. Nevertheless, the nature of modern industrial societies is such that, so far as central government is concerned, the vast majority of citizens, except at General Elections, are, as one English writer has said, more the patients than the agents of its political activity.

The local level being, then, the more accessible and amenable, all the more important is it to grasp it as an indispensable one and to maximise its potentialities. The role of local government in democratic education can, indeed, hardly be exaggerated. It can provide, for the greatest number of citizens, all the essentials of which political education consists. It can open the eyes of the novice to the difficult skein of human relationships in which government must be carried on. It can

* Lecture delivered to an audience of German elected representatives and officials.

teach him, through knowledge of hard facts, to distinguish what is Utopian from what is possible and practicable. It can educate in the use of power as a trusteeship. It can bring home the risks of power to those who seek responsibility. It can educate in practical resource.

In short, political education must be primarily an education in practical political capacity, and a people can only develop this through the actual exercise of power and responsibility, and through learning from their mistakes as well as their achievements. Only in this way can a people develop at the same time political stability and political resilience. And for the vast majority of them the school must be local government.

II.

The conception of local government, and the place of local government in political democracy, which we have put forward, makes its own ideal demands upon the structure, finance, and scope of local government, and upon the constitution of the local authority itself.

As regards structure ; it demands the provision of a standing structure to which suitable functions can be assigned from time to time. Undoubtedly there will have to be differentiation between various types of authority and area, in regard to the functions to be exercised, but it is inherent in the very idea of a standing structure that each of its component organs should be organs of multiple function. *Ad hoc* authorities may have to be resorted to on occasion, but the aim should always be to assimilate functions in the standing structure. This is not only a sound principle from an administrative standpoint, in order to achieve co-ordination, integration, and economy of overhead expenses. It is vital from the standpoint of political principle, because experience has shown that the public takes little interest in the affairs of *ad hoc* authorities, not to speak of the fact that their form has often to be such as render them inaccessible to the electors.

It goes without saying that the areas on which the structure is built up should pay regard to the factors of electoral interest and control and not *merely* to administrative considerations.

As regards finance, our conception calls for the widest practicable field for local budgetary freedom. This condition has, it must be realised, its counterpart in local responsibility for the measure and degree of public charge which has to be made. Such a responsibility is in itself a vital element in democratic education.

As regards the range of local authority function, this is a subject in which it is impossible to dogmatise as to particular services, so much depending on the character of each country. The overriding principles are, however, clear enough, namely, that in matters of purely local concern there should be the minimum of state control, that where possible even services national in character should be delegated to local authorities as agents, and that even when they act as agents the central control should not be meticulous.

And finally, the conception I have put forward demands that the form of municipal government should be one which places a full measure of responsibility in the hands of the elected representatives. This principle has two aspects. First, central control should be the minimum which is required in the interests of the state. As regards legislative control, there may be some difference of opinion as to which is the better of two methods for its exercise. The first method is for Parliament itself to delineate the sphere of local authority function ; the second for it to grant general powers, subject to reservations for functions assigned to other agencies, and subject to any prohibited spheres it delineates from time to time. I will not attempt to discuss here the question as to which works out better in practice, except to say that, as a matter of comparative historic study, though the first rule, which happens to be the English one, appears more rigid from a juridical standpoint, it has not always proved so in practice. Much depends on the general tone and temper of national democratic life and upon the mechanisms of central government itself. One thing, however, on which I think

everybody would agree, is that neither authorisations nor prohibitions should be left in the hands of a central state bureaucracy. The other aspect of the principle enunciated is that local government elected councils should exercise a full authority over their officers, and this is a theme to which I shall be devoting most of the remaining part of this lecture.

III.

At this juncture, however, I feel I should say a word about our English system and practice in relation to the conception and principles which I have put forward.

First, in regard to the broad conception which I put forward at the outset, I can say in all honesty that even on its theoretical side it has always been accepted by the classical British writers on political theory. I need do no more than cite the name of John Stuart Mill, who did so much to shape our conception of democratic institutions, in proof of the importance which English theory has attached to local government as an educative agency.

It was, moreover, the writings of such men that reinforced our consciousness of the need for a standing structure of local government which would provide an ample repository of local power. It is only right to say, however, that there is one other factor which led to the establishment of such a structure in the latter part of the last century; and that was the experience we acquired in resorting, as we had to in the earlier part of that century, to *ad hoc* local bodies, largely formed on local initiative, to deal with the problems of the towns after the onset of the Industrial Revolution. On the one hand, these bodies demonstrated the great fund of initiative, resource, and capacity for orderly communal provision and regulation which was possessed by local citizens drawn from many social layers. On the other hand, they convinced us of the need for a more orderly standing structure, so as to improve administrative conditions, and at the same time enlist the active interest and support of the mass of the people.

Societies are never static; and we in England have in recent years had to make some transfers from local to central responsibility on economic and administrative grounds, and we are all too conscious of a need to overhaul our standing structure and re-apply it to changed demographic conditions. But I am confident that my main conception, and the principles which are its corollary, are alive in the hearts of our rulers and people; and that we shall apply ourselves at no distant date to such a reform of local government structure as will enable it to meet, in changed conditions, and for another long period of years, all the ideals which I have enunciated.

As regards finance, we have suffered like others from some encroachment of central control through the necessity for increased financial aid. But half of our revenues are still raised by rates, on local responsibility.

We are being vigilant to secure the relaxation of much detailed central administrative control that has grown up; but a comparative study of our system with others would reveal that we are not as much subject to central controls as local authorities in most other countries. For example, it still remains true that in the sphere of purely local amenities there is little central control beyond the traditional one of the requirement to loan sanction.

As regards the responsibility entrusted to the elected representatives, and the powers of local authorities in England over their officers, this is the remaining part of my lecture, and I shall, I think, amply demonstrate what a real responsibility the elected council has, and what wide power it exercises to keep its officials " on tap " and not " on top."

IV.

In the British system of local government the elected council is politically and legally responsible for the exercise of the local powers and for the acts of its own internal agencies, i.e., its Committees and its paid officers. There is no separate executive, either in the shape of a single Burgomaster or an Executive Group, which has an independent responsibility for executive acts or whose

concurrence is required in decisions of policy. The Mayor (in Boroughs), or the Chairman, has no executive authority, and is little more than a chairman of the elected assembly. The local government statutes lay a few duties on the Town Clerk or Clerk to the County or District Council as such; but although he is regarded as the chief paid servant of the Council he has no independent executive powers and remains responsible to the elected council as do all the other officers.

The officers as a whole are appointed by the Council and, with but a few exceptions for special reasons, central consent is not required to their appointment or dismissal. The exceptions are the Medical Officer of Health, the Chief Sanitary Inspector, the Chief Constable —officers whose duty leaves them peculiarly exposed to the opposition of vested interests. Curiously enough, the Clerk is not an exception. In all other cases the officers hold their appointments "at the Council's pleasure," subject to any requirements of notice due under the contract of service. In practice they enjoy security of tenure, short of misbehaviour or downright incompetence; but there is no legal sanction available against a local authority if it sought to dismiss an officer unjustly. The sanctions are to be found in Trade Union protection. The higher officers are expected to be politically neutral or at least to abstain from active participation in politics in their own area of employment. As a corollary to this principle officers are, in practice, neither chosen nor dismissed for political reasons. Such a situation is, in turn, a corollary of the principle that officers cannot control policy. Their role is to be effective instruments in the hands of the elected body.

In the light of the facts just mentioned, the role of the officers in British Local Government may now be described a little more fully. They have no legal powers to control policy, and even in their managerial and executive activity they are responsible to, and must act under the instructions of, the elected council or its responsible Committees. In practice they are, in well-regulated authorities, left to carry out, without the interference of the councillors, collectively or individually, all functions which can broadly be described as managerial; though they are put under duty to give regular reports of their activities to the appropriate Committees. Moreover, they are expected to report on all issues which have some implication on the plane of policy and to seek instructions. And, finally, they are not given wide spending powers. The system of budgetary control, with Standing Orders designed to bring up uncovered expenditure for close scrutiny, is now highly developed in Britain, and is the main sphere of the Finance Committee's responsibility and vigilance.

Broadly speaking, then, the position is that the elected body deals with policy and holds the purse-strings, while the paid professionals act as the executive agents who translate policy into executive action and perform the administrative, professional, managerial or technical functions involved in the day-to-day conduct of the services for which expert knowledge and abilities are indispensable. But this statement needs qualification. Although there is a wide sphere of purely professional and technical practice, and of administration and management, in which the lay body is well advised not to interfere, but to judge its officers by results, it cannot be forgotten that full responsibility for all branches of the work, policy, execution, and administration, is being taken by the "laymen," i.e., the elected councillors and that it is impossible for them to be indifferent to, or disinterested in, the way in which policy is executed. There is a need from the elected council's standpoint for supervision over the activities of its officers in the executive, administrative and managerial sphere. Moreover, there is a middle sphere between pure "management" and pure "policy" which is not always capable of easy definition or segregation, and in which officers should act in close consultation with the responsible elected representatives and in conscious harmony with their views. The Committees are the principal agencies through which the elected council as a whole maintains its supervision over the officers and to which

the officer in turn can go with his problems and suggestions. I turn, therefore, to say something of the role of the Committees and of the officers' relationship to them.

V.

The Committees appointed by the full Council effect a necessary division of labour, whether they be given only powers of consideration and recommendation, or a measure of delegated power on the Council's behalf. Some division of this kind is essential to spread the labour of elected representatives with limited time. But apart from this, though large bodies such as the full Council are fully capable, under proper procedure, of surveying and settling numerous and varied issues of policy, they are in common experience unsuited to handle a mass of detail, and, if they tried, might not, without aid, maintain a continuous policy in every branch of activity. Even on questions of policy they work better when some smaller body such as a Committee has surveyed the ground, sorted out the issues, and can present these along clear-cut lines for settlement by the plenary assembly. There is also the need I mentioned in the last section for an effective agency of supervision over the officers in each branch of the local authority's work.

It is the function, then, of the Committees in our English system (1) to consider all issues of policy which arise in their allotted spheres of work and to put forward recommendations to the full council; (2) to put forward the financial requirements of the service with which the Committee is concerned; (3) to deal with matters arising outside the purely "managerial" scope of the officers and which call for authority and instruction, and either to give such authority and instruction or recommend the Council to do so, according to the powers delegated by the Council to the Committee; and (4) to exercise due vigilance over the officer's activities as reported by him to the Committee.

After this thumb-nail sketch of the role of the Committees it is now possible to deal briefly with one further aspect of the role of the officers. "Granted," it may be said, "that your officers do not legally control policy, is it not true that they influence it?" I think they do, and I think that such a situation is largely ineluctable. It is paralleled in every sphere of life where the "expert" serves "the amateur." But there is a great deal of difference between control and influence. If an officer comes to influence policy, with a varied group of councillors changing at successive elections, it must in the long run be through personality, ability, and knowledge. Moreover, the very absence of independent power in the official forces him to exert his influence by tact, knowledge, argument, and persuasion. The permanent contact which the officer has with the local authority's work renders his advice invaluable. English authorities recognise this, and though they are invariably insistent on their right to decide policy and control it, and though they often reject an officer's advice, there is a wide disposition to allow the officers a considerable initiative in the *suggestion* of policy. The officer is given to understand that while he cannot control policy he is at liberty to express his views in the intimacy of the Committee-room upon the effects and implications of policies put forward by the elected representatives in Committee or Council, and himself to suggest, for consideration, measures of policy which are within the scope of the Council's general aims and duties.

VI.

Although it is impossible to give any more detailed account here of the functioning of the local authority's constitutional and administrative mechanism, or to refer to those aspects which are of particular concern to administrators, what I have said may suffice to show how much it turns upon the role of the Committees and of the officers in relation to them. It is the Committees, which, in the British system, are the real workshops of Local Government. In most authorities the general flow of important business is upward from Departments to Committees, and in the more important matters from Committees to Council. In large authorities the Council becomes an organ of control

and authority rather than a body which in its meetings as a full assembly initiates activity or administers direct. But there is full constitutional liberty for individual councillors to raise matters in full Council; and it is important to note that, although the role of the full Council may be to concern itself mainly with the broadest issues of finance and policy, it is armed with potent instruments to enforce its judgment in the shape of the Committees, which themselves work on the basis of the factual surveys and analysis presented by the officers for their consideration.

It is also important to notice how the Committee system facilitates that co-operation and collaboration between the elected representative and the officer, the "amateur" and the "expert," which has always been a feature of English government in general, and which we believe to be vital to healthy administration. In the intimate and workmanlike atmosphere of the Committee-room, free from the atmosphere of artificial debate which must necessarily be prevalent in the Council Chamber, both sides must interact in a practical spirit. The professional element in any sphere of life is apt to lose sight of ends in its absorption in means. The very fact that the elected representative is free from such obsessions can often give him a clearer vision of ends. Be that as it may, the Committee room, with its frank interchange of argument and views, can educate the elected representative into a realistic approach to his duties, through the full opportunity he has there for continuous and intimate contact with the officers, for learning of their problems and hearing their factual surveys.

We would claim that not only does the Committee system fulfil administrative requirements, but maximises that education of the citizen-councillor on which I laid so great a stress at the outset.

VII.

The English system of administration I have described, often called "the Committee system" because of the central position which Committee work occupies in it, is in marked contrast to many and perhaps most others. In both Europe and America the system is characterised by the existence, in one form or another, of a separate Executive with independent powers. I will not stigmatise these systems as undemocratic. On the theoretic side they spring from those strains of pioneer French thought, associated with the name of Montesquieu, which we find embodied, for example, in the United States Constitution. In the local sphere much depends on the exact relation between the executive and the elected council. If the Executive, as happened in some places, was wholly or in part an emissary of the State, able to impose its vetoes on the elected council, it seems to me that the essentials of local democracy are not fulfilled; and even when it is merely given a completely free hand for administrative or executive acts I would claim that the process of local government cannot be as educative to the councillor as it is under our English Committee system.

It may be said that to give the elected representatives as much responsibility as we do under the constitution and practice I have described is a system only possible at a mature level of political experience on the part of the citizens in general, and that it needs hundreds of years to develop. It is perhaps true that the feudal system broke up earlier in England than on the Continent; but let it not also be forgotten that our English system is not so old as is sometimes thought. Though it has roots in the remote past, it is largely a creation of the Industrial Revolution, which forced us to fashion most things anew. In the early part of the last century, when it grew up, there was no expert state civil service and no corps of expert local government officers such as we know today. Our local government services were largely pioneered by the *ad hoc* groups of citizen bodies ("Town Commissioners") I spoke of in III above. We began when neither state nor local authority officers were the efficient instrument for counsel, advice, and administration that they are today. I say this by way of encouragement, and to urge that it is never too soon to begin the process of citizen education. That there will be mistakes, we know; it is only by our mistakes that we learn.

Work of the Economic Information Unit*

By S. C. Leslie, C.B.E.

FOR about a year and a half after VJ day the administration in the United Kingdom was coping with great economic problems which the war had created, or uncovered. During that time the circumstances were relatively favourable, and with the help of the American Loan and the flow of relief money to Europe the struggle to get the national economy back on its legs seemed to be going well. In the winter of 1946–7 various circumstances combined to bring about a serious setback. The immense task of correcting the unbalance in overseas trade became both more urgent and more difficult, and threw into sharp relief the fact that the country as a whole was not clearly aware of the elements of the problem. The realisation of this fact led to a very general demand, from Members of Parliament, the Press, and other organs of opinion, that the country should be told "the facts." In the sphere of governmental information, official activity and advice was at that time confined to the responsible divisions of the various Departments, and to the work of an inter-departmental Committee. (Similarly in the administrative sphere, central planning and co-ordination were in the hands of inter-departmental Committees.) No one department or organisation was charged with the duty of helping Ministers, by advice and by official measures, to convey to the country the meaning of the economic problem as a whole and to focus together all its many and superficially diverse elements. In the more acute and menacing situation which presented itself after the fuel crisis in 1947, new measures were decided upon both in administration and in information. New official agencies were created to serve as instruments for inter-departmental action. The decision was taken to set up the Central Planning Staff, and alongside it the Economic Information Unit.

The Unit came officially into existence in June, 1947, and had collected a nucleus staff and got to work by September. It was then a part of the office of the Lord President, as the Minister generally responsible for economic affairs. It was transferred, along with that responsibility, and in company with the Planning Staff, first to the newly-created office of the Minister for Economic Affairs, and then, in November, to the Treasury. There it absorbed the Treasury Press Office. Apart from the purely departmental duties which it took over, it had a task of co-ordination and a task of action. It assumed responsibility for the inter-departmental committee of information officers from the economic departments, and in this and other less formal ways, helped towards consistency and mutual support. Secondly, it had to formulate, and find the means of applying, an information policy derived, not from the administrative needs of the economic departments, singly or in sum, but from the responsibilities of a Minister with general economic interests and (after November, 1947) of his Department. It has been asked whether the Economic Information Unit, despite its special title, is in fact anything other than a departmental information division. To this the answer is "No—not now: but remember the particular nature of its department."

It is the essence of the Treasury, in its new form, that it should not merely contain, but focus together and synthesise, both the older financial divisions and the new agencies for economic planning and review: furthermore that it should include within this synthesis a general responsibility for the progress of production and productivity, in which so many departments have their particular interest. This is not only an exceptionally wide range of material for information work, but one which creates unusual tasks. Depart-

* Based on a talk given in the Treasury's Courses for Assistant Principals in the early part of 1949.

mental information work often presents intractable problems of exposition and persuasion, but to determine the nature of its objectives is seldom a problem, since they arise naturally and directly from the particular requirements of executive policy—to recruit manpower, to teach hygiene, to preach fuel economy, to explain the details of a rationing scheme. But a central department neither throws up its "action points" so straightforwardly nor produces in the normal course of its work the obviously appropriate content of publicity. First, the objectives must be determined, and second, the proper ammunition of fact and argument must be sought, identified, and "processed". These two requirements indicate the special duties of the Unit and I will ask you to keep them in mind for a few minutes.

To illustrate what is meant by determining an objective for information work, let us go back to the early summer of 1947. The country was meeting sharply increased difficulty in paying its way overseas, and instead of relaxing a little after the exceptional efforts of the war the people were required, suddenly and urgently, to gird themselves up again for another long hard pull. The administrative policy was to cut down imports, cut down consumption, prune investment, put the resources thus saved into the forcing of exports, and drive up production as fast as possible. Such measures called for a great deal of explanation. But the decision to inform the public and ask for the necessary response did not itself indicate how best to give the information, or most readily to evoke the response. To answer those questions was to formulate an information policy, and it was a special function of the Unit to help in that formulation by its advice and by the type of raw material it could undertake to provide.

Was it better to concentrate first on analysing and explaining what the economic situation was, what had happened to the country, and what problem had to be faced, or to take that for granted and say plainly what the ordinary citizen had to do? In a totalitarian country no doubt the latter course would have been adopted. Theirs not to reason why. But with us, the assumption was made that if the facts were known the response would come, and that information rather than propaganda was the fundamental requirement. None of us would now question the propriety and wisdom of this act of faith, which indeed is generally agreed to have had its justification. But there were, and are, practical disadvantages, which it would be sentimental to deny. For various reasons of history and psychology, a fairly large minority of the population is not equipped to grasp quickly the meaning of a situation like that of 1947, however simply explained in relation to their own daily circumstances. The short way to get a response out of that section might be an artful combination of stick and carrot, of scolding and blandishment. But whoever was to provide those commodities, if anyone did, it obviously could not be the information services. Indeed, we made it an explicit though unwritten clause in our information policy at that time that we must, temporarily at least, leave aside the least politically mature and build our hopes and efforts primarily on the fairly large and intelligent "leadership group". This of course is found in all social grades and economic levels—the people who read the more serious parts of their newspapers with some care, and lead the talk in pubs, railway compartments, and queues. Through them, and next after them, we counted on reaching the reasonably intelligent majority.

Once the decision was taken to analyse and explain, there was a question of method—how best to present the situation. That might have been done in several ways. Attention could have been focused principally for example on the threat to the standard of living, or to social progress, or to security of employment if we could not pay for raw materials. The method adopted was in fact to put the monthly trade gap in the centre of the picture and to relate to it on the one hand the factors which had so suddenly brought it to the forefront, and on the other the general measures it called for. The main reason for doing it this way is worth mentioning, since it is one of our guiding rules wherever it is practicable.

" Hard news " is more interesting than any argument: the event is the best of all teachers: to tie explanation and even (yes!) " exhortation " to the tail of the event ensures them the swiftest flight to the mind and heart of the citizen. This helps to explain the special potential power of the newspaper and the broadcast news bulletin as media of economic information: and it throws some light on the significance of the right kind of Ministerial speech, in Parliament or on the platform, since this is in itself news. The first commandment for providers of economic information is—tie it to the news, or make it news itself.

So much then for the first of the two requirements of information work at the centre of government—the determination of objectives. Now may I recall the second—the identification and processing of the material of information. We have come to call this " briefing," and we think of it as particularly characteristic of our method of work. Indeed, the Unit began as a briefing agency, and that is what in large part it still is. Whatever other activities have developed since have grown out of that function, and are organically related to it. It involves the collection, organisation and processing of a considerable volume of material. " Briefers " are people who take official paper, committee minutes, memoranda, statistics, reports etc. on economic and financial themes, boil them down, take them apart and recombine them. The first and most necessary instrument for a briefing section is an information library, to receive the flood of paper on economic subjects flowing in from the centre, from the Departments, and from published or unpublished sources outside, to break it down, to collate and index it, and to make it available on demand. An unorganised collection of data can be organised round a particular theme: it is still a collection of data, not a brief. A document can then be derived from it which is shaped up in relation to the occasion and purpose of a speech or bulletin of information, or to the special technical character of a film, advertisement or leaflet. That document is a brief. It may for some purposes be suited for issue almost as it stands (as a guidance note, for example, or a general bulletin), but frequently it awaits the creative touch of the speaker, the copywriter, the film scriptwriter.

One of the first and most evident duties of the Unit was to provide frequent factual surveys of current economic developments related to the main national problems and objectives as generally understood. The first such survey was prepared in November 1947, and others have since followed it at pretty frequent intervals. They were intended originally only for Ministers, senior Civil Servants and the Central Office of Information, but were found to serve other ends also. Copies were requested first by the overseas departments for their posts in foreign and Commonwealth countries and the Colonies, and later by Departments responsible for the nationalised industries.

It was no accident, but a logical development, that economic briefing material prepared for home purposes should also find a function overseas, and these surveys were only the first example. Early in 1948 the Unit took over a part of the former Overseas Information Division of the Board of Trade, and the Briefing Section has since been responsible for providing economic material for the overseas side of the Central Office of Information and for advising upon the economic and financial content of what goes out from that organisation as the factual basis for British publicity throughout the world. If there are special problems or requirements in certain territories, especially those of great importance like the United States and Canada, we hear of these and do what we can to help. But nobody knows better than we the difference between a basic brief prepared in England and effective publicity in another country. No substitute can be found in this country for the often very substantial work of adaptation, adjustment and reshaping which is done in the local atmosphère, and with the knowedge that comes from local contacts.

Sometimes the Unit prepares full briefs on particular subjects. These

ECONOMIC INFORMATION UNIT

DISTRIBUTION OF BUSINESS

Head of Unit

Deputy

E.R.P. Information Office	*Press Section*	*Overseas Section*	*Briefing Section*	*Campaigns Section*	*Industrial Section*
Press, radio and other inquiries on E.R.P. E.R.P. news to the various governmental channels of information, home and overseas. Contact between U.K. Information Services and those of the Economic Co-operation Administration, London. Link with O.E.E.C. Information Services (through U.K. Delegation).	Information and guidance for Home Press and B.B.C. on Economic and Financial subjects, Press Handouts and arrangements for Press Conferences.	Guidance for overseas press and B.B.C. Overseas Services on Economic and Financial subjects. Briefs and guidance for Overseas Information Services (through the Foreign Office; Commonwealth Relations Office; Colonial Office; and Central Office of Information).	Preparation of factual surveys. Briefs for Ministerial Press Conferences; briefs and guidance on economic content of exhibitions, films, advertisements and other publicity. Popular economic booklets.	General publicity, including supervision of posters, press advertising and films, and organisation of exhibitions and local production campaigns. Co-operation with C.O.I., incl. guidance for Chief Regional Officers on economic and production campaigns, and direction of editorial publicity work of Regional Press Officers. Women's and Youth publicity.	Economic education and publicity inside the factory. Preparation of *Target*. Consultation by conference and by direct contact with national and regional representatives on both sides of industry Development of general productivity publicity.

may have a variety of uses. They will usually go into the C.O.I. reference library but they may sometimes be distributed to Ministers, or in Fleet Street as background, or among the information services at home or abroad. They are a mixed bag. One was a full review of financial and economic relations between the United Kingdom, the Commonwealth countries and the Sterling Area. This evoked a number of comments which encouraged us in the belief that it would be useful to do more of this kind of thing. The remark we valued most came in almost identical terms from Washington and New York, to the effect that this filled a gap of which they had been conscious for years. Among other "occasional" briefs have been several setting out various aspects of the case for higher productivity.

What are the available channels through which the material in official briefs can reach its intended recipients? *First* and outstandingly foremost is the ministerial exposition by speech or broadcast. *Second* are the newspapers and the B.B.C. as reporters of and commentators upon economic affairs. *Third* is the array of technical publicity media which it is the *raison d'être* of the Central Office of Information to place at the disposal of the Unit and other information divisions. They comprise advertisements, posters, exhibitions, films, pamphlets and leaflets, talks in factories and to other audiences, and a most valuable and hardworking body of officials in the regions without whom half these channels would be left with their non-Whitehall end in mid-air, instead of among the grass roots, the urban localities and the factory lathes and benches.

Of these three subdivisions the first two are by far the most important in terms of immediate impact and penetrative effect. They are the storm detachments. The third subdivision contains a wide variety of consolidating troops, each capable of digging in by its own particular means, in different types of ground.

I. One of the most important of the ways in which the Unit has sought to cater for Ministerial speeches and statements outside Parliament is a system of regular press conferences on economic affairs. These were instituted in 1947 by the Lord President and the then President of the Board of Trade, the present Chancellor of the Exchequer. They have taken place with fair regularity, at times fortnightly or monthly, and are based upon the provision for the press of a document which is a combination of an analytical news communiqué and a specific appeal for action, the basic material being provided by the Unit from the mass of economic data which is always coming forward, outside the limits of what must be reserved for prior notification to Parliament. The conference then becomes the occasion of a process of question and answer which usually brings out more information. The proceedings are as a rule widely reported by the Press and the B.B.C. More than that, the perspectives they open up and the light they throw upon the national economic landscape have perhaps been of some help to the Press and B.B.C. in deciding upon the right scale of news-values by which to organise their day-by-day provision of fact and comment.

These conferences are, of course, only a fraction of the whole tale of Ministerial platform activities. For the customary platform speeches of Ministers the Unit, if they propose to deal with economic affairs, sometimes provides a special document to work on.

II. A daily supplement to the platform activities of Ministers is provided by the Press Office of the Unit in its constant personal and telephone contacts with Fleet Street and the news side of Broadcasting House. Its officers have the advantage of rubbing shoulders daily with colleagues in the financial, economic and planning divisions at the centre of government; and they can draw largely on written material provided by the Briefing Section, and on the knowledge and information which its members have acquired.

Closely associated with the work of the Press Office is that of the E.R.P. Information Office, of which the Chief Press Officer is the head, but which has a status of its own. It works under the

joint sponsorship of the Foreign Office and the Treasury and takes its directives on the broad lines of information policy from the inter-departmental steering committee which looks after E.R.P. affairs. The association of this Office with the Unit has two explanations. For one thing, E.R.P. is a great international economic operation, and so far as Britain is concerned, a general support to our whole economy; so that the correct way to present it is not merely as an act of American beneficence, but also as a vital element in our whole recovery programme and a spur to further effort. Secondly, through its connection with the Unit, the E.R.P. Information Office has the means of using many different kinds of publicity which would otherwise be denied to it unless it grew very considerably in size. It is a centre of specialised knowledge about E.R.P. developments, a point of enquiry for the press and others, and a source of fact and guidance upon which the other sections of the Unit, and indeed the official information services generally, can draw.

III. I come now to the third channel of publicity, the range of media gathered together in the Central Office of Information. Because they are furthest away from the news of the day, and depend most on repetition and (in a proper and wholly technical sense) manipulation of their raw material, their use requires a special kind of policy decision. How shall the advertisement or the exhibition tell its story? To what motives shall the film, the poster, or the simple popular leaflet appeal? If the cloven hoof of psychological warfare were to be detected, this would be its stamping-ground. If the spirit of Dr. Goebbels were to be found palely agitating the British information services, here would be his chosen haunt. But I cannot offer the psychical researchers much encouragement. The appeals used, the motives invoked, are the simple and obvious ones that will always be right in this fortunate, civilised, unified community. They were constantly and consummately employed, at the "highest levels," during the war. The implicit appeal to commonsense: the explicit appeal to the impulse to co-operate, to lend a hand: the exploitation of the force of example: a nice mixture of emulation and the team-spirit, giving the latter the benefit of any doubt; an action-point at the end of every exposition: those have been the rules, and I am sure there is nothing wrong with them, whether or not we have succeeded in applying them effectively.

We have had one constant problem, to which there can be no cut-and-dried solution—just where to seek to balance the account between cold douche and pat-on-the-back, between grim and gay. (This, of course, applies to all sections of our work.) Each extreme has its temperamental—and often its political—advocates. Nor is it possible—if it were desirable—to keep a fixed course. The facts themselves change, *et nos in illis*. Indeed, official information work can never provide a theoretical course in group psychology. The flux of events, the tensions of public life, and the overriding necessity to avoid even the appearance of partisan colour all make our work "political" in the sense of being an exercise in the art of the possible.

Our publicity work in this third and narrower sense of the word is, of course, carried out in close collaboration with the C.O.I., which provides the technical service, though for booklets we usually supply our own text. What follows is to be taken generally as an account of the work of a partnership between the Unit and the C.O.I.

There are, or were, the press advertisements, which offered to the Unit, as they do to a variety of advertisers of other kinds, their characteristic combination of flexibility with power of repetition. In the autumn of 1947 a series called "Report to the Nation" replaced the earlier campaigns. Its purpose was to provide an opportunity for repeating and driving home in simplified form the main ideas and facts which were given their first currency in Ministerial speeches and statements, and for quoting examples of individual industrial achievement. After a year the emphasis was changed, and again six months later, so that they concentrated upon making the case for higher

productivity. Last summer these advertisements, an expensive part of the campaign, were suspended as part of the programme of administrative economies.

At an earlier stage posters provided a continuous background of reminder of the importance of higher production. These had been used without interruption since soon after the end of the war—long before the Unit was established. At the end of 1948 it was decided that they had done their work for the time being.

Small touring exhibitions expounding economic themes go round the country to act as the focus for local Production Weeks and Economic Information Weeks, which seek to stimulate local pride in achievement and to relate the national story to local circumstance. There has also been one medium-sized exhibition in central London.

Another medium of publicity which has been used a good deal is the popular booklet. The two main official economic documents of the year, the Economic Survey, and the Budget and National Income White Papers, have been presented in popular form and sold through trade channels. In each year the simplified Economic Survey sold about six times as many copies as the White Paper on which it was based.

The problem of finding the best technique is not easy. With the 1949 popular Survey we felt that we made some advance over its predecessor, and as the changes are characteristic of a general development in our publicity methods, perhaps I may briefly refer to them.

The text was an attempt to include every important fact and idea in the White Paper (except for some highly technical material) in a completely different order. The story was told, not in terms of the conceptions used by the expert or the tasks envisaged by the administrator, but of economic problems as the ordinary citizen experiences them —food, clothing, housing, amusements, and the over-riding problem of paying the weekly bills. This method was calculated to make the subject more real to those without special knowledge. But apart from problems of exposition, its perspective was a true one, since it presented its material in terms of the real ends of economic policy and not in terms of means, like trade balances, or higher productivity, with which experts must concern themselves, but which other people are to be praised, rather than blamed, for not taking as genuine ends in themselves.

The booklet showed some development also in its use of illustrations. Instead of concentrating upon explanatory diagrams, which were merely the expression in graphic form of the ideas in the text, it used photographs to teach an independent lesson. There were about a dozen pictures of capital investment projects with explanatory captions. This was done of set purpose to bring to the forefront the tangible facts of reconstruction and new creation. In the White Paper the investment programme was an appendix—quite rightly and properly in that context, since to the expert it contained no novelty except some details. But the general public needs to think of recovery not as something abstract like filling the dollar gap or something unappetising like producing more and doing without part of the proceeds, but rather as a concrete achievement and a genuine promise. Here were both, represented by great capital projects which typify the country's present economic strength and assure its future increase.

This is by no means a complete account of our publicity work. I have left undiscussed films, leaflets, and the 10,000 meetings a year addressed on economic subjects from briefs prepared by the Unit. But in what remains of this paper I would like to leave that subject and speak of two special problems of great importance concerned with particular groups in the community —women and the industrial population.

On the whole British women, like women in most other countries, are (except for a fortunate minority) an underprivileged group—unorganised, not producers in the accepted economic sense, dominated by their own instinct to serve their families. Such groups tend to get the worst of it in bad times. Some of the impact of hardship and

strain is, usually quite unconsciously, passed on by those more fortunately placed to those more defenceless than they. This process can be checked and reversed by social action, as we in this country have notably reversed it for the benefit of the children. But administrative planning and policy can hardly recognise housewives as being in the same under-privileged category, and the economic crisis has hit them hard—all the harder because the great majority have no great natural opportunity to grasp the significance of what has been going on. Their work, in present conditions, is not an intellectually broadening experience. They are mostly not members of any functional group except the family, and for the majority their only opportunity to exchange ideas with a number of other people is the food queue—an occasion not well adapted to produce objective views of the economic situation.

In my opinion the official information services have an obligation to women which so far has not been at all fully discharged, partly because it is not widely recognised, partly because it is a very difficult one to find effective means of discharging. The Unit tackled the question early in its life, but only to a limited extent. It has a working partnership with a couple of dozen voluntary organisations of women. It has meetings with their leaders, supplies them with monthly notes on economic affairs which they distribute to their branch officials and some of their memberships throughout the country, and under joint auspices it holds meetings throughout the country for the exposition of economic fact. We are sure that this is worth while, but also that it does not go nearly far enough. We are exploring and experimenting with ways of relating the significance of general economic fact to particular things like clothes (they are attractive, but they are exported) and food (what pays for it). The Ministry of Food and Board of Trade work with us in the early stages of a programme which we hope to develop and extend.

The second problem to which I referred is that of industry. Here the background is different. In principle everyone recognises the obligation and the urgent importance of discharging it. More and more it becomes apparent that recovery turns upon the more rapid improvement of industrial techniques and attitudes. Our general publicity has moved nearer and nearer the point of being focused upon this problem. When we started, economic information was the primary objective, higher production the corollary. Now higher productivity is the central theme and economic information is a necessary support.

But besides this general publicity, a good deal is more specifically addressed —to individual and associated managements; to men at their place of work; to Trades Union officials; and through them to their memberships. The main point we set out to make to managements is the necessity and importance of their adopting the policy of sharing with their workpeople information both about the national situation and the firm itself. There is a good deal of complaint that workers, especially the younger ones, do not realise the existence of a crisis. If this is true, it represents a problem that will be solved only when the factory plays its part in solving it. There, after all, exists a far better chance than any Government organisation possesses to present the facts of national need and recovery in the most effective way, making them vivid and personal by relating them to the activities and objectives of the firm, and to the part the individual worker plays therein. And secondly, a partnership of shared knowledge is a very effective form of co-operation. It helps a man to want to work, if you tell him the truth about the significance of his job and keep him in touch with its progress in its wider context.

Thus the underlying ideas of the campaign to extend the use of works information are three. It is needed to fill a large gap in the general economic information campaign: it has a direct bearing on the improvement of productivity: thirdly, it is part of that movement towards a more human and comradely relationship, and method of organisation in industrial plants, which is one of the characteristic developments of this period. Joint Consultation is

another closely connected manifestation of it, and the Ministry of Labour (whose concern this is) and the Unit work in consultation, and exchange facilities, for the furtherance of their objectives.

We send a bulletin every month to the heads of some 15,000 or 16,000 firms—that is, all employing more than 100, and several thousand more employing over 50 who have written and asked us. At first this bulletin, *Target*, was confined to accounts of schemes and methods of works information already successfully adopted in industry. After six or eight months, when we felt that the works information idea was well launched, we cut its space down to half and gave the rest to case histories, dealing with a variety of methods successfully adopted by firms to increase their production—wage incentive and bonus schemes, redeployment, job analysis, and so forth. *Target* contains a long despatch each month from the Anglo-American Productivity Council, dealing with its general activities and the reports of its touring teams. It is thus a clearing-house of tested ideas and methods for improving productivity. Its objects are furthered also by a series of conferences, under the auspices of the Regional Boards, at which the same ideas are set forth, and by a touring Exhibition of Works Information.

By the courtesy of their own organisations we distribute to about 6,000 high industrial executives, and about the same number of Trades Union officials, a monthly review of economic news and developments, " Bulletin for Industry." We are ready to provide special briefs and material adapted to the circumstances of a particular industry for any Trade Association or Trades Union which has a use for it, and some progress is now being made in this direction. Pamphlets and leaflets on productivity, and its relation to the current economic situation, are prepared and offered to all inquirers, and especially to industrial managements for distribution to their workpeople. Over a million and a half copies of the first of these were distributed and the second seems likely to do better.

Thus in the campaign to industry three aspects can be distinguished. It is a specialised extension and adaptation of the general campaign for economic understanding and increased productivity; it is a drive for the extended use of Works Information, because this fills a big gap in our campaign that nothing else can; and it is a method of circulating knowledge about the best industrial practice, in order to level up efficiency.

Of the results of the Unit's work no one can speak with any certainty, although we try, with the skilled help of the C.O.I. Social Survey, to test and check wherever we can. For one thing, the results of official information work are indistinguishable from those of the activities of Ministers, the Press, the B.B.C., and other agencies of enlightenment, a sum total to which the Unit's own contribution is relatively a small one. For another thing, there is no exact means of determining the extent to which understanding of the economic situation has increased, or what part that increase has played in the very marked rises in production and productivity, the general success of the policy of dividend and wage stabilisation, and such a striking recent phenomenon as the deliberate adoption by the T.U.C. of a wage-rate standstill, in face of an actual and prospective rise in the cost of living. How to read these signs of the times is not for me to dogmatise about. If the campaign can claim credit for a little over a farthing in every pound of extra value created by the annual rise in production, then it has covered its maximum level of cost. But all information and publicity men have learned from experience never to question the axiom that no improvement should be credited to publicity if an alternative explanation is conceivable.

Certainly the foregoing outline of the Unit's work is not intended as a catalogue of achievement. That would suggest a complacency which we do not feel. We know well that we are not finished practitioners, but experimenters. It is not usually given to those who have to explore new territory to find the best route at the first attempt and go straight to their objective. We have to feel our way towards the best methods, and to content ourselves meantime with a good

deal less than complete achievement. Everybody in the Civil Service who takes his job seriously is always learning something new about it. But in the century since it began to take its present general shape, the Service has elaborated, proved, and codified many techniques. Nobody engaged in information work, anywhere, can draw upon such a reservoir of wisdom and experience; certainly not those in the Government services, and least of all those who have to deal with economic questions. Until two or three years ago nobody had ever tried systematically to convey information of this kind to the general population. It will be some time yet before anyone knows how best to do it.

Post Entry Education and Training for Local Authority Staffs

By W. S. STEER

All observers are agreed that the changing rôle of government in modern society demands a reconsideration of the basic educational equipment and the training necessary for employees in the public services. Concern that the central and local government services should adapt both their methods and their attitudes to match their new responsibilities has not been confined to external critics. Indeed, there is probably a greater desire for improvement from within the civil and local government services than most students of government realise. In the national service there have been developments such as the setting up of the Assheton Committee, the experiments in methods of selection such as the house-party system; and the establishment of the O. and M. Division of the Treasury. The problem is more difficult of solution in local government because of the large number and variety of more or less independent authorities concerned. But the first "national charter" which prescribes standard conditions of service for local authority staffs, includes as an essential part of the new pattern, provisions aimed at securing adequate standards of general and professional education. One result of this development may be seen in the setting up on a national basis of the Local Government Examinations Board.

But the more enlightened local authorities and their staffs have not waited for a lead from any outside organisation to convince them of the need to secure acceptable standards of competence and service. Individually, or by means of local groupings, many authorities have introduced—and quite spontaneously—schemes of post-entry education and training for their staffs. One of the more interesting of such schemes, particularly because of the difficulties caused by the scattered nature of the region, is that which has been in operation in the six south-western Counties for the past three years.

In 1944 the South-Western Area Education Committee of N.A.L.G.O., a group which had been active for several years, set itself the task of preparing an educational programme in readiness for the end of the war.

The Committee fully recognised that, as the Assheton Committee reported, it is not sufficient that the public services—whether central or local—shall be as efficient as the best methods and techniques can make them. If they are to make their full contribution to public welfare they must also enjoy popular confidence and be wholly acceptable to the community they serve. The Area Committee felt that the aspect of technical efficiency was already being well looked after by the large variety of professional and technical bodies catering for local government posts, and which in most cases issue an appropriate paper qualification. But the Committee came to the conclusion that, if the requirement of public acceptability was to be met, it was necessary to make available on a wide scale a liberal education that would provide the philosophy and inspiration needed by all branches of the local government service—whether administrative, professional, technical or clerical. This, the Committee conceived to be a proper function of the Universities, and to be the purpose to be served by University Courses leading to the Diploma in Public Administration.

The Committee, therefore, defined the objectives of its educational programme as follows:—

(i) To secure the establishment of Courses in Public Administration and allied subjects, which shall be available to all local government officers in the area; and

(ii) To make arrangements whereby no officer who is otherwise able shall be prevented from taking advantage of these courses by reason of expense and of distance from a University centre.

After much patient negotiation this programme was adopted enthusiastically by the Provincial Joint Council and transmitted to the constituent local authorities. Under the scheme, the local authorities agreed to grant leave of absence, and, in approved cases, financial assistance, to enable their staff to attend courses in Public Administration which the university bodies were to establish not only in the university towns of Bristol and Exeter, but in other suitable centres in the region. To encourage this development, the local education authorities agreed to make special annual grants to the University of Bristol and to the University College of the South West, Exeter. Moreover, these payments, unlike the normal local authority aid to universities, have been recognised by the Ministry of Education as grant-earning expenditure. Thus what has been achieved may properly be described as the result of a combined operation in which the universities, the local authorities, their staffs, and the Ministry of Education have all taken part.

The support given to the courses—which include both short-period Refresher Courses and long-term Courses for the Diploma in Public Administration—has amply justified the faith of the originators of the scheme, among whom might be mentioned Mr. C. J. Newman, the Chairman of the Area Committee of N.A.L.G.O., Sir Arthur Hobhouse, at that time Chairman of the Provincial Council, and Professors W. Hamilton Whyte of Bristol and J. Sykes of Exeter. Classes for the Diploma in Public Administration are now held in the following centres :—at Bristol, Taunton and Gloucester, under the ægis of Bristol University; and at Exeter, Plymouth and Dorchester, under the ægis of the University College of the South West, Exeter. The number attending the classes was over 240 during 1948 and nearly 200 during 1949. University lecturers travel to the centres from the university towns; and lectures are held on two half-days each week during the university terms.

The holding of classes during the day permits of better standards being reached than under evening course conditions. It also enables the students in the university towns to mix with the internal students and to acquire something of the atmosphere of university life.

Both the Bristol and the Exeter Diplomas are divided into two parts, and success in Part I examination at the end of the first year is in each case a condition of entry to the Part II course.

The contents of the Courses vary somewhat, and the writer has no personal knowledge of the Bristol Diploma. But in the Exeter Course with which he is familiar a certain amount of experimentation is being carried out in an attempt to work out a balanced course that will satisfy both university standards and the special needs of the public servants for whom it is being provided.

As for standards, the aim broadly is to reach Intermediate degree standard in the six papers which have to be taken at the end of the first year, and first-year final degree standard in the six papers which are taken at the end of the second year. For the second year examination external assessors are appointed. The subjects of study include: Public Administration, which corresponds roughly with the new London B.Sc. (Econ.) course in Government; Social Administration, with special emphasis on local authority services; Principles of Economics; Economic Functions of Government, including Public Finance; Administrative Law; The Law of Employment; Social and Political Theory; Principles of Organisation and Management; Social Statistics, and Elementary Psychology.

It is believed that this combination of subjects provides an education conforming to university traditions—while at the same time fulfilling those practical needs which the local authorities and their staffs recognised when inviting the help of the universities.

Residential Refresher and Week-end Courses have been held each year at both Exeter and Bristol. These have been designed particularly for past and present students in the out-centres, and again the response has been gratifying. Good numbers have attended and have shown a real appreciation of the opportunities

for the exchange of ideas and for the contacts such occasions offer.

Internal Training

This, although possibly the most spectacular part, is only one aspect of the work of the Area Education Committee, which is now recognised by the Provincial Council as the body responsible for advising on all matters affecting the training and education of local government officers in the region. The Committee realise that if local government is to fulfil acceptably its essential role in a society which is enjoying the benefits of a social welfare policy, and which expects standards of public services conforming to that policy, then the work of the professional and technical agencies, and the work of the Universities—both of which must necessarily be restricted in their scope—must be supplemented by systematic training on a wide scale within the local authority offices. A scheme of " Intraining " has therefore been prepared and circulated to all branches of N.A.L.G.O. in the region. After enumerating some of the generally admitted criticisms of local authority administrative methods, the scheme suggests the following as an outline of a staff training programme which is capable of being put into operation within most local authority offices of reasonable size without interfering unduly with the normal flow of work :—

(i) Someone should be responsible for the systematised training of each new entrant to the local government services.

(ii) On arrival in the office the recruit should be welcomed by a responsible officer whose job should be to make the process of settling in as pleasant and easy as possible. Within the first day or so the recruit should be handed a document outlining the place local government has to play in the community, and emphasising the tradition of public service which must animate its work.

(iii) An account of the development and present work of his Department should follow—organisation charts, showing the division of work between different Departments and between the different sections in his own Department should be made freely available. If numbers warranted, talks on departmental functions and problems might be given by senior officers. An attempt should be made to break through the secrecy which so often shrouds the work of different sections of a large Department. Minutes, reports, official documents, periodicals, and other relevant publications should be accessible in the office library. Every encouragement should be given to the junior who seeks to extend his knowledge both of the activities of his own authority and of developments elsewhere.

(iv) In the early stage, too, mobility between section and section, and between Department and Department should be fostered. This would broaden experience, enable the right man to be chosen for the right job, and go far to remedy the occupational disease of " departmentalism " which exposes the public services to such odium. A properly conceived plan of " internal transfers " should be worked out for each authority and possibly for the larger departments of the major authorities.

(v) With a view to cultivating the right attitude to the public and enabling the officer to see the contribution his own particular job is making to the welfare of the community, he should be given occasional opportunities of going out to see the completion of the operation in which he has played a part. How, for example, can an officer be expected to administer sick pay regulations without losing the " human touch." if he never meets the employees concerned ? How can the administration of school canteens be effective if those largely responsible have never seen a canteen " at work " ? These are but two examples ; the list could be multiplied. Again, many a conscientious " back-room boy " would be vastly stimulated and helped by being permitted to sit in at occasional Council and Committee meetings for which he has been busily preparing data, and the decisions of which he will have to convey to the public.

(vi) Personal tuition should be given in each new job undertaken. This should be the responsibility of an experienced and suitable person. On no account should a " beginner " be left to his own resources. A system of " trial and error " conducted at public expense is much too costly in every way.

(vii) The co-operation of all ranks should be sought in raising the level of operational efficiency—suggestions for improvements in methods from those employed on the job should be welcomed. Opportunities should be given for occasional meetings of groups of officers employed in similar processes or in similar capacities in the same organisation. This would provide the opportunity for the exchange of ideas and the pooling of experience.

(viii) Finally, no training scheme would be complete which did not point the way to the further development of the personal qualities and aptitudes it has sought to stimulate. Advice should be offered regarding further educational training and the facilities available.

The reception accorded to this programme has been quite favourable. It has rarely been possible—because of the size of the local authority or other special circumstances—to put the whole programme into operation. But many local authorities and their staffs have given serious consideration to the proposals, and in some instances steps have been taken to introduce internal training of the kind suggested.

Conclusions

What has been achieved is not regarded as an ultimate ideal. Indeed, it is realised that much more needs to be done to create a greater sensitivity to public expectations and to the need of new attitudes and fresh standards. The significance of the work lies in the evidence it gives that local authorities and their staffs are alive to the need of being in tune with modern ideas of the social responsibilities of government. That University Courses have been established for an area which is so sparsely populated, and many parts of which are so distant from a University town, is a tribute to the farsightedness of the local authorities, and to the sense of social duty of the Universities. It is also a clear recognition by the public authorities that the Universities have an essential task to fulfil in the education of the public servants who are required for the effective and harmonious functioning of a welfare state.

Delegation by a County Council—Surrey

By RAYMOND S. B. KNOWLES

Mr. R. H. Adcock, in his article "Delegation of County Functions to County District Councils" in the Winter Number, 1948, of PUBLIC ADMINISTRATION, referred to what he called "the most interesting form of delegation now operating in local government"; the arrangement whereby a county district, or a joint committee of representatives of county districts, acts as an agent of a county council in administering a particular local government service.

Since July, 1948, when county councils became responsible for such new and increased duties as local health and welfare, town and country planning and fire services, many county authorities have formulated and put into operation schemes for the decentralisation of those of the new services involving a substantial amount of detailed administration. These schemes, though they differ in detail as between counties, provide generally for the setting up of a number of divisional or area sub-committees throughout the administrative county, comprising members of both the county council and the county district authorities and to whom are delegated a large measure of the day-to-day control of the functions of the county council. Most of these county authorities have now had at least a year's experience of this experiment in what is really a new kind of partnership between the councils of counties and county districts; and it may be of interest to record here a brief description of the administrative arrangements in force in this respect in Surrey. No attempt will be made to justify or analyse critically the methods adopted or to estimate the success or otherwise of the arrangement in the light of 12 months' experience. Suffice it is to say that the partnership is working.

The administrative county of Surrey is, from the point of view of population, excluding London, the sixth largest in England and Wales. The County Council of 102 members administers an area of 449,160 acres with a population of 1,207,700 through some 70 committees and sub-committees. Local government services are also provided in the county by 13 borough councils, 15 urban and five rural district councils.

For local health and welfare purposes the administrative county has been divided into nine geographical areas or divisions. The divisional health areas were determined first, in June, 1947 after consultations between the County Council and the Surrey County Districts Association. The Association had suggested that the areas should be those of the county districts or some combination of them; and although the wish of individual county district authorities to have separate areas coterminous with their own boundaries was fully appreciated by the Councy Council, it was felt that a limit existed on broad administrative grounds to the number of divisional sub-committees with which one parent committee could effectively deal. The conclusion finally reached was "that the balance of advantage in the public interest" lay in the division of the county into nine areas, conforming to those chosen for the areas of Divisional Executives set up under the Education Act, 1944.

When, in March 1948, the divisional organisation of the welfare services was set up the same areas were chosen, because of "the close relationship between the health and welfare services as regards both functions and staffing".[1]

The divisions vary in population from 79,120 in the smallest to 196,870 in the largest. The divisional areas in the southern, rural half of the county are considerably more extensive in area than in the northern, metropolitan half. Details of the areas are given in an Appendix. It will be noted that parts of the area of one Rural District are found in four Divisions.

For each of the nine health and for each of the nine welfare areas there has

been set up what is legally a sub-committee[2] of a standing committee of the County Council, but which comprises both members nominated by the county district authorities within the division and members appointed either by the County Welfare or County Health Committee as the case may be. The county district authority representatives are in the majority on the sub-committees. The numbers are laid down by the County Council's Standing Orders which also stipulate that the representatives must be members of the county district authority by whom they are appointed. In fact, the nine divisional health sub-committees in total, comprise, as do also the nine divisional welfare sub-committees, 131 county district authority members and 27 County Council members (excluding ex-officio members). The term of office of members is for one year and all retire together on the 31st May unless they resign or cease to be qualified for membership before that date. Vacancies must be filled as soon as possible after they occur. The chairman and vice-chairman of the parent committee are ex-officio members of each divisional sub-committee and the chairman of each divisional sub-committee is ex-officio a member of the parent committee. The composition of the different Divisional Sub-Committees is shown in the Appendix.

The constitution of these sub-committees is regulated by the County Council's Standing Orders. But much of-the administrative arrangements has not been formally laid down, so that during what is still largely an experimental period, there is sufficient flexibility in the arrangements for changes to be made without elaborate amendment of a scheme or Standing Orders[3]. None of the sub-committees, for instance, possesses specific terms of reference, but all have been given wide delegation by the parent committees concerned—who possess the statutory power to do so—in the day-to-day administration of all local health (except ambulance and local mental health services) and welfare services. The County Council has taken pains, in fact, to ensure that the character and volume of work devolving upon the divisional sub-committees will " afford ample scope for the maintenance and development of local interest and enthusiasm on the part of members and officers who have served to such good advantage in the past in this important field of public administration "[4]. Full use is accordingly being made of the accumulated knowledge and experience of the county district authorities.

Because of the present " flexibility " in the working arrangements between the County Council and the divisional sub-committees, it is difficult to define precisely the extent of delegation and perhaps unwise to attempt it when there is, in fact, no exactness in practice. Thus, while it can be stated categorically that the local health divisional sub-committees have no locus in the ambulance and mental health services and that their functions at present so far as the projected health centres are concerned are purely advisory, i.e., in suggesting possible sites, and similarly, that the welfare divisional sub-committees have clearly no power, for instance, to determine who shall and who shall not be admitted to welfare establishments in the divisions (for the accommodation is limited and must cater for the county as a whole), it is less easy to list comprehensively the kind of action which they may clearly take. The health divisional sub-committees are told that they may carry out the day-to-day administration within their respective divisions of the County Council's duties in regard to the care of mothers and young children, home nursing, immunisation and vaccination, prevention of illness, care and after-care, and domestic help. There seems to have been no difficulty in practice in interpreting this to mean that the sub-committees may, for example, arrange at their discretion the times of sessions at ante- and post-natal clinics and at welfare centres, improve the facilities and equipment at day-nurseries, engage and dismiss domestic staff, and fill vacant posts within authorised establishment of divisional clerical staff. The welfare divisional sub-committees similarly manage the welfare accommodation within their respective divisions. The sub-committee's members, by visiting, satisfy themselves, for example, that the

old people are adequately cared for, that the premises are properly maintained and that the institutional staff are efficient; and, when occasion demands, it is the divisional sub-committee which would be responsible for organising the temporary accommodation of persons rendered homeless as a result of explosion, fire or flood, and similar disasters.

Each divisional sub-committee prepares its own draft estimates for the financial year, which are submitted to the parent committee for consideration and, after amendment, if necessary, in the light of overall County requirements, are embodied in the parent committee's own Annual Estimates for submission to the Finance Committee.

As regards the delegation of financial powers, the divisional sub-committees have, for the time being, been given power to incur expenditure in any one case up to £100 on upkeep of buildings, i.e., day-nurseries, homes for the aged, etc., and £50 for equipment and day-to-day disbursements of a routine nature, i.e., payments for the maintenance of aged persons in voluntary homes, fees for local lectures on health education, etc., provided that in all cases prior provision has been made in the Annual Estimates. This represents a comparatively large degree of delegation, bearing in mind the provisions of sections 86(2) and 128 of the Local Government Acts, 1933 and 1948 respectively, which restrict unregulated spending by County committees, and also the fact that none of the central sub-committees has been granted any degree of financial delegation whatsoever.

Some increase in the overall numbers of local government officers has been necessary, but it is probably true to say that because of the new and wider scope of the social services concerned, additional staff would have been essential whatever the administrative arrangement employed. Approved establishments have not yet been finally fixed for the divisional staff who will, of course, be officers of the County Council, and use is being made for the time being of the part-time services of officers of the county district authorities. It is, for example, proposed ultimately to appoint one Divisional County Medical Officer of Health and a Deputy for each division, but the aim is to be achieved largely by stages. Subject to the overall responsibility and authority of the Clerk of the County Council, the committee and secretarial work, and such legal work as may be involved, is being carried out by the town clerk or clerk of one of the county district authorities in each division, the officer chosen having been selected by mutual arrangement: he is paid a salary—varying between the divisions, for their work is not equal—and a proportion of it is normally allocated to the particular town clerk's committee staff.

So far as concerns the actual mechanics of the administrative arrangement, after each meeting of a divisional sub-committee, minutes are prepared in the usual way and action is taken by the appropriate divisional officers upon matters within the competence of the sub-committee. Decisions of the sub-committee involving, for instance, matters of policy or expenditure outside the limits of financial delegation, or increases in staff beyond appointments already approved, are necessarily in the form of recommendations to the appropriate County committee. These recommendations are transmitted by the secretary of the sub-committee to the Clerk of the County Council, who places the items on the agenda of the parent committee or one of the appropriate central sub-committees. Formal reports are not submitted by the divisional sub-committees, but the minutes of their proceedings are always available for inspection at meetings of the parent committees.

This decentralisation is one of the ways in which the Surrey County Council has overcome the problems involved in administering over a large area services which imposed upon it a vast amount of most detailed work. In addition, the County Council has delegated to all its standing service committees all the powers and duties that stand referred to those committees, subject only to certain important exclu-

sions and reservations such as the statutory exclusion of the power of raising a rate or borrowing money and matters involving new policy of major importance.

These recent changes show new trends, not only in county administration, but in the whole administrative framework of local government in this country.

---

[1] Surrey County Council "Yellow Book" (the collected reports of committees to the Council), March, 1948, p. 371.

[2] National Health Service Act, 1946, Fourth Schedule, Part II; and National Assistance Act, 1948, Third Schedule. Both statutes require the councils of counties and county boroughs to establish a committee for the discharge respectively of local health and welfare functions and empower such committees to establish sub-committees and authorise the latter to exercise any of the functions of such committees.

[3] "The proposals are not intended to be in any way rigid or inflexible . . . Accordingly, there will be no difficulty in both the framework and the details of the scheme being reviewed and adjusted from time to time subject to the views of the Council in the light of experience and local circumstances."—Surrey C.C., Yellow Book, March, 1948, p. 373.

[4] Surrey C.C. Yellow Book, October, 1947, p. 1314.

Constitution of Divisional Sub-Committees for Local Health and Welfare Services in the Administrative County of Surrey

Division	*County Districts*	*Area in acres*	*Population (Registrar-General's estimate, mid-1949) (g)*	*Sub-Committee*			
				County District Representatives	*Total County District Representatives*	*County Council Representatives*	*Total Membership*
North-Eastern	Mitcham B.	2,932	66,370	5	15	5	20
	Wimbledon B.	3,212	58,350	5			
	Merton & Morden U.D. ...	3,237	72,150	5			
		9,381	196,870	15	15	5	20
Mid-Eastern	Beddington & Wallington B.	3,045	31,190	5	10	5	15
	Carshalton U.D.	3,346	59,510	5			
		6,391	90,700	10	10	5	15
South-Eastern	Banstead U.D. (part) (a) ...	3,038	4,400	—	10	5	15
	Caterham & Warlingham U.D.	8,233	27,100	5			
	Coulsdon & Purley U.D. ...	11,142	56,400	5			
		22,413	87,900	10	10	5	15
Central	Epsom & Ewell B.	8,427	62,960	4	17	5	22
	Sutton & Cheam B.	4,338	76,510	4			
	Banstead U.D. (main part) ...	9,783	24,080	4			
	Leatherhead U.D.	11,187	22,260	4			
	Dorking & Horley R.D. (part) (c)	1,640	495	—			
	Guildford R.D. (part) (b) ...	7,466	4,950	1			
		42,841	191,255	17	17	5	22
Northern	Barnes B.	2,519	40,820	5	10	5	15
	Richmond B.	4,109	38,300	5			
		6,628	79,120	10	10	5	15
North-Central	Kingston-on-Thames B. ...	1,408	39,970	4	16	5	21
	Malden & Coombe B. ...	3,164	39,930	4			
	Surbiton B.	4,709	49,450	4			
	Esher U.D.	14,847	44,150	4			
		24,128	173,500	16	16	5	21
North-Western	Chertsey U.D.	9,983	22,610	3	19	5	24
	Egham U.D.	9,350	19,060	3			
	Frimley & Camberley U.D. ...	7,766	18,860	3			
	Walton & Weybridge U.D. ...	9,056	31,180	3			
	Woking U.D.	15,704	41,530	3			
	Bagshot R.D.	16,085	12,090	3			
	Guildford R.D. (part) (d) ...	16,648	8,450	1			
		84,592	153,780	19	19	5	24
Southern	Reigate B.	10,255	37,090	4	16	5	21
	Dorking U.D.	9,511	17,320	4			
	Dorking & Horley R.D. (main part)	52,303	20,315	4			
	Godstone R.D.	52,507	26,940	4			
	Guildford R.D. (part) (e) ...	270	340	—			
		124,846	102,005	16	16	5	21

Division	County Districts	Area in acres	Population (Registrar-General's estimate, mid-1949) (g)	Sub-Committee			
				County District Representatives	Total County District Representatives	County Council Representatives	Total Membership
South-Western	Godalming B.	2,393	13,120	3	18	5	23
	Guildford B.	7,184	40,870	3			
	Farnham U.D.	9,039	21,300	3			
	Haslemere U.D.	5,751	9,660	3			
	Guildford R.D. (main part)...	35,398	20,980	3			
	Hambledon R.D.	68,175	26,640	3			
		127,940	132,570	18	18	5	23
ADMINISTRATIVE COUNTY		449,160	1,207,700	131	131	45(f)	176

(a) Parishes of Chipstead and Woodmansterne.
(b) Parishes of Effingham, East Horsley and West Horsley.
(c) Parish of Headley.
(d) Parishes of Wisley, Ockham, Ripley, Send, East Clandon, West Clandon and Pirbright.
(e) Holmbury St. Mary in the parish of Shere.
(f) The representatives of the County Council always include the Chairman and Vice-Chairman of the respective parent Committee.
(g) Local estimates of population have been made in respect of parts of county districts.

Governmental Liability for Tort in Britain and the United States*

By Harry Street

Anglo-American legal systems have for so long lingered behind the Continent of Europe in developing a satisfactory basis of governmental civil liability that the enactment of the Federal Tort Claims Act of 1946[1] in the United States, and the Crown Proceedings Act of 1947[2] in Great Britain is an event justifying a comparison and evaluation of these belated attempts to provide the citizens with an adequate remedy against the State.

Background of Legislation

A. *Basis for Governmental Immunity from Suit*

The rule in England that the King could never be sued in the courts as were his subjects had its roots in feudalism. Just as no lord could be sued in the court which he held to try the cases of his tenants, so the King, at the apex of the feudal system, could not be sued in the royal courts.[3] Nevertheless, even in the thirteenth century it was recognised that the king, as the fountain of justice, should redress grievances when petitioned to do so by his subjects, and it became an established rule that the subject could bring his petition of right, which, if acceded to by the King, enabled the ordinary courts to give redress. Judges in the fifteenth century[4] were saying that petition of right would not lie for a pure tort by the King, and this developed in the sixteenth century into the theory that the King can do no wrong. This notion "is probably to be associated with the growth of the prerogative, the strengthening of the kingship, the ideas of divine right and of the absolute sovereign."[5]

It is important to recognise that these rules that the King is immune from suit and that he can do no wrong were entirely separate.[6] Had the effect of the latter maxim merely been confined to absolving the King from liability for his personal torts, little harm would have been done. However, the British courts later refused to apply the doctrine of employers' liability to the Crown,[7] asserting that the maxim that the King can do no wrong had as a corollary that the King cannot authorise wrong. The principles of vicarious liability were then imperfectly understood, it being thought that the employer was liable because, when he authorised the tort it was his tort. Had it been realised that vicarious liability was a duty laid down by public policy analogous to the duties imposed with various degrees of stringency on the owner of things which are or may be sources of danger to others, then the rule that only the individual public servant performing the act, and not his employer, the Crown, was liable for his torts might have been avoided. Until 1947, it was the rule of English law that a petition of right "will lie when in consequence of what has been legally done any resulting obligation emerges on behalf of the subject"[8] and that the main limitation on its availability was that it could not be used in respect of torts.

Why the English theory of Sovereign immunity, in origin personal to the King, came to be applied in the United States is one of the mysteries of legal evolution. Clearly, in the United States the Government is not Sovereign, but rather "sovereignty itself remains with the people by whom and for whom all government exists and acts."[9] Indeed, the first important United States Supreme Court case[10] decided that the doctrine of state immunity from suit was inconsistent with popular sovereignty. This decision was most unpopular with the states, who were heavily in debt after the Revolution, and, in consequence the Eleventh Amendment, prohibiting litigation in the federal courts by a citizen of one state against another state, was passed.

Since *Cohens v. Virginia*[11] the courts have consistently held that the Government is immune from suit except by its own consent. Various reasons have been assigned in support of the rule, the most common one being that it "is a

* From the Michigan Law Review for January 1949 by kind permission.

privilege of sovereignty."[12] Mr. Justice Holmes said: "A Sovereign is exempt from suit, not because of any formal conception or obsolete theory, but on the logical and practical ground that there can be no legal right as against the authority that makes the law on which the right depends."[13] A further justification has been that it is "a policy imposed by necessity."[14] In *United States v. Lee*, after a full historical investigation, the conclusion was reached "that it has been adopted in our courts as a part of the general doctrine of publicists, that the supreme power in every State, wherever it may reside, shall not be compelled, by process of courts of its own creation, to defend itself from assaults in those courts."[15] In *Briggs v. Light-Boats*, it was said that "it would be inconsistent with the very idea of supreme executive power, and would endanger the performance of the public duties of the Sovereign, to subject him to repeated suits as a matter of right, at the will of any citizen, and to submit to the judicial tribunals the control and disposition of his public property, his instruments and means of carrying on the Government in war and peace, and the money in his treasury."[16] Dean Pound bases the immunity on "a public interest in the dignity of the political organisation of society."[17]

Governmental immunity from suit being firmly entrenched in American law, a substitute remedy for the injured citizen had to be found. Instead of the English method of a petition of right ultimately adjudicated in the ordinary courts, the method chosen was private legislation. This is due to the fact that under the Constitution the residuary powers vested not in the courts, nor in the executive, but in the legislature.[18] Dissatisfaction with this method led to the setting up of a Court of Claims in 1855, which, since the Tucker Act of 1887, has had jurisdiction over suits against the United States "not sounding in tort."[19]

The Tucker Act also gave the court jurisdiction over claims founded "upon the Constitution of the United States." It might have been thought that wherever there was an appropriation of property contrary to the Fifth Amendment, there would be an action under this act. It is here that the influence of the rule that the King can do no wrong is felt. Only if the taking is authorised and also effects permanent injury and deprivation, so as to raise the implication of a contract and be free from any tortious taint, will there be a remedy.[20] Again, where in some states legislative consent to suit had been granted in the broadest language, the courts have interpreted it as excluding actions in tort and quasi-contract.[21]

This attitude of the Anglo-American jurisdictions is in sharp contrast with that prevailing on the Continent. There they began from the premise that legislative silence was to be interpreted as consent to suit, and their main concern was with the question of how far social theory and public policy necessitated State responsibility for injuries inflicted on the citizen by the operation of governmental activities.[22] Innumerable are the juristic theories put forward to explain the present Continental view, "administrative fault," "fault of the service," "equality of burdens," "assumption of risk," "special sacrifice," but they all rest on the operative fact of individual injury inflicted by the governmental machine, and a recognition that public law demands that these losses sustained in the administration of the public service must be borne by the community as a whole.

B. *Early Attempts to Limit Governmental Immunity*

In the United States, some attempt has been made during this century to limit governmental immunity in tort. The courts have denied governmental immunity to many of the corporations set up to perform public functions.[23] Statutes have been passed making the United States liable for patent infringements,[24] for maritime torts, whether involving merchants ships[25] or public vessels,[26] and for damage to oyster beds.[27] Congress has also made arrangements for the administrative settlement of claims by federal employees,[28] of claims for property damage up to $1,000 caused by the negligence of government

employers,[29] and of various claims against the War Department, the Postmaster General and the Secretary of the Treasury,[30] with a usual maximum of either $500 or $1,000.

Nevertheless, the inadequacy of remedies against the Government, particularly in tort, caused both United States and England to provide some other relief. In the United States this took the form of private acts of Congress. For instance, the 74th and 75th Congress each considered more than 2,300 private claim bills demanding relief exceeding $100,000,000.[31] Private bills were not used in England, but a practice grew up of the action being brought against the government official personally on the understanding that the Government would defend the action on his behalf and meet any liability. So far was this carried that in deference to complaints in Parliament with reference to motor vehicle accidents, in 1941 the Government appointed a leading barrister to determine in advance whether the alleged tort was committed in the course and within the scope of the official's employment.[32] If he so found, then the Government would automatically defend the action on behalf of the official.

C. *Immediate Motivation for Legislation in United States and England*

In view of these respective extra-judicial devices, why has each country passed recent legislation on the matter? Has each country's legislature suddenly adopted the continental theories of social justice? Much more mundane considerations than this explain the statutory changes.

In the United States, dissatisfaction with the private bill system has long been widespread and vociferously expressed.[33] Congress itself realised that it was devoting a disproportionate amount of time to non-legislative matters. Beyond that, injustice and political favouritism resulted from the system. After a series of setbacks the Federal Tort Claims Act was finally adopted on August 2, 1946[34] as Title IV of the Legislative Reorganisation Act. The measure was introduced under the heading "More Efficient Use of Congressional Time." Jurisdiction is given to the federal district courts sitting without juries, with an appeal to the circuit court of appeals, or, with the consent of all parties, to the Court of Claims.

In England, two 1946 decisions led to the legislative reform. In *Adams v. Naylor*[35] an action was brought against an army officer for injuries to children received when they wandered on to a minefield in charge of the defendant. The House of Lords said, *obiter*, that only by a fiction could the army officer be the defendant, because the action lay (if at all) against the occupier of the land, which was the Crown and not the officer. When, later in the same year, an action was brought against the superintendent of a government munitions factory for injuries received on the premises by an invitee who fell into an unlit trench, the Court of Appeal, following the *obiter dictum* in *Adams v. Naylor*, refused to allow the proceedings to continue against a fictitious defendant.[36] Bowing to the protests of the legal profession and the press, the Government introduced the Crown Proceedings Bill which became law on July 31, 1947, and came into operation on January 1, 1948.[37]

II ANALYSIS OF LEGISLATION

The English act is much more comprehensive that the American. Besides imposing a general liability in tort, it abolishes petitions of right, with the object of assimilating, as far as possible, suits against the Crown to suits against subjects. It also deals in detail with procedure in suits both by and against the Crown and gives jurisdiction over these suits to those courts which would have jurisdiction in actions between subjects. By contrast, the United States statute deals solely with suits in tort against the federal government.

A. *Liability of Government for Torts of Its Agents*

1. "*Employees of the government.*" The United States is liable, under the act, only for the torts of "any employee of the Government while acting within

the scope of his office or employment."[38] "Employee of the government" is defined in the act as including:

> ". . . officers or employees of any Federal agency, members of the military or naval forces of the United States, and persons acting on behalf of a Federal agency in an official capacity, temporarily or permanently in the service of the United States, whether with or without compensation."[39]

This definition should be compared with the English requirement that:

> ". . . That officer has been directly or indirectly appointed by the Crown and was at the material time paid in respect of his duties as an officer of the Crown wholly out of the Consolidated Fund of the United Kingdom, moneys provided by Parliament, the Road Fund or any other Fund certified by the Treasury for the purposes of this subsection or was at the material time holding an office in respect of which the Treasury certify that the holder thereof would normally be so paid."[40]

The definition in the Federal Tort Claims Act is in general terms and has latent ambiguities.[41] If the legislative history of earlier bills is relied on, it will be broadly construed, with emphasis not on the officer's main employment, but rather on his actual work when the tort was committed.[42] A surfeit of litigation on the definition seems inescapable. English courts have long had difficulty in framing a definition of a servant of the Crown at common law.[43] The English statute is an attempt to obviate the necessity for more litigation by furnishing an exact and inclusive definition, but it is open to criticism because it is not all-embracing.[44] There is an intermediate class of English public official who, although appointed by a local or municipal authority, is not the servant of that authority because his duties are imposed on him by statute or common law as a government representative, and who is outside section 2(6) because he is not appointed by the Crown. For example, since policemen are in that intermediate class, neither the municipality which appoints them nor the Crown is answerable for their torts;[45] only the individual himself can be sued. The conclusion seems to be that the American definition, despite its uncertainty, is likely to lead to more just results than the definite but narrow English definition. Both definitions provide for the "dollar a year man"; but the English statute necessarily excludes the mere volunteer and it seems likely that persons such as federal bond drive volunteers would not be "employees" for the purposes of the Federal Tort Claims Act, because there would be no contract of service and no papers of appointment.

2. *Independent contractors.* Sometimes, the ordinary employer is liable for the torts of independent contractors, and there seems no reason why governments should not be similarly liable. This is accomplished in the English Act by the following provisions. The Crown is liable for the torts of servants or "agents," and "agent," when used in relation to the Crown, includes an independent contractor employed by the Crown.[46] Section 40(2) (d) provides that:

> "Except as therein otherwise expressly provided, nothing in this Act shall . . . subject the Crown to any greater liabilities in respect of the acts or omissions of any independent contractor employed by the Crown than those to which the Crown would be subject in respect of such acts or omissions if it were a private person. . . ."

Since the Federal Tort Claims Act has no express provision on the matter, the United States can be so liable only if "employee" includes "independent contractor." This seems unlikely, at least if the New York interpretation is any indication of the way in which the federal statute will be construed. There, under section 12a of the Court of Claims Act of 1929 the State of New York was liable for the torts of "its officers and employees," but this was taken to exempt the state from liability for the negligence of an independent contractor.[47]

3. *Government corporations.* Will the respective Governments be liable for

the acts of employees of government corporations? In England, no express reference is made to these bodies, and therefore the answer depends solely on application of the arbitrary rules laid down by section 2(6) and referred to in the preceding paragraph. Only if the employee is within that definition will the Crown be liable. The United States will be liable for the acts of employees of a federal corporation if its primary function is to act as, and it is at the time of the tort in fact acting as, the agency or instrumentality of the United States. Both countries had difficulty at common law in determining when such bodies could shelter under the cloak of the immunity of the government, and it seems that both acts fail to end the common law ambiguities.[48] It is to be hoped that the courts take the line that whenever under the respective acts the Government is not liable for acts committed by a servant within the scope of his employment, then the governmental corporation is liable at common law. The matter may be more serious in the United States than in England, because in the latter country joinder of the corporation and the Government is permitted; whereas, if the doubts as to the availability of joinder procedure in the United States are well-founded, a plaintiff making the wrong choice may find his action against the other barred by lapse of time.

4. *Employee acting "within the scope of his office or employment."* The United States act defines "scope of his office or employment" only to the extent of stating that it means "acting in line of duty"[49] in the case of a member of the military or naval forces. One remembers the thousands of cases litigated in England to interpret "scope of employment" in the Workmen's Compensation Acts and hopes that the United States will be spared that. Obviously, the phrase is susceptible either of a conservative or liberal interpretation at the whim of the courts. This difficulty is overcome in the English act by assimilating governmental liability to the common law rule of *respondeat superior*, section 2(1) providing that "the Crown shall be subject to all those liabilities in tort to which, if it were a private person of full age and capacity, it would be subject:—(a) in respect of torts committed by its servants or agents."[50]

B. *Liability of Government Arising Out of Ownership of Property*

The United States is liable under the act only for the "negligent or wrongful act or omission of any employee." Some torts, however, cannot be regarded as the act of the servant, but liability for them depends entirely on the ownership of the instrumentality causing the damage. For instance, when there is a liability for the carrying on of an ultra-hazardous activity, no one servant is responsible; the tort is solely that of the owner of the instrumentality. Under the act it seems that the United States will not be liable for any such acts or omissions which cannot be attributed to an employee. This would constitute a most serious deficiency in the act. Conscious of this situation, the framers of the English act introduced a special provision making the Crown liable in respect of any breach of the duties attaching at common law to the ownership, occupation, possession or control of property.[51] It is surprising that the United States act uses the words "negligent or wrongful" instead of "tortious." It has led to discussion whether a tort creating liability without fault can be called "wrongful";[52] but presumably the courts will interpret "wrongful" as covering all legal wrongs of a delictual nature.

C. *Quasi-Contract Liability*

The United States is held not liable under the Tucker Act for quasi-contract, and the courts have also refused to permit the plaintiff to waive a tort and sue in assumpsit.[53] Nothing in the new act can be said to create a liability in quasi-contract. Commentators on the act, mindful that the alternative choice of the Court of Claims and the federal district court sometimes available under the Tucker Act is not here available, have thought that, even so, "the issue will be not *whether* the claimant may maintain his

suit but *in which court* he should bring it."[54] That is perhaps the least of the unfortunate results of this situation. Firstly, an action in tort is not always an alternative to an action in quasi-contract.[55] Secondly, even where the facts are such that quasi-contract is merely an alternative to tort, the plaintiff's remedy in tort may be inadequate For instance, in some states, in an action for trespass, damages for use and occupation of the land of the plaintiff cannot be recovered where the plaintiff's land has not been damaged, yet in an action in quasi-contract for unjust enrichment the court will award damages for that use.[56] English courts have never denied waiver on a petition of right,[57] and with the abolition of petition of right in the act[58] there seems no obstacle, whether jurisdictional or of substantive law, to waiver by the plaintiff, or to suing in quasi-contract.

D. *Damages for which Recovery May be Had*

The United States is liable only for money claims " on account of damages to or loss of property or on account of personal injury or death."[59] Why these words were introduced at all is perplexing,[60] for without them the United States would still be rendered liable only for torts. Perhaps a court seeking a meaning for them may say that a husband suing for the loss of his wife's society and services is not suing for property damage or personal injury.[61] So much is likely, but there is the further but less probable chance that a court will say that the act, referring expressly to property damage and personal damage, excludes merely pecuniary damage; for example, a man knocked down by an automobile may claim property damage for his broken watch, personal damage for his broken leg, but can he also recover under this act pecuniary damage for his broken contract of employment? That such an interpretation is possible, however remotely, indicates that a more precise form of words should have been used. The English act, by rendering the Crown subject to " all those liabilities " of the subject, avoids any such ambiguity.

E. *Exceptions to Government Tort Liability under the Acts*

1. *Non-negligent torts and abuse of discretion.* There are several exceptions in the United States Act, perhaps the most important of which is :

> " Any claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Government, whether or not the discretion involved be abused."[62]

This exception saves the United States from liability for unconstitutional acts (which of course could not arise in England). It also excepts non-negligent torts committed " *in the exercise of a statute or regulation.*" The italicised words are vague, and how remote an act can be from the actual command of a statute without going outside this exception can only be determined by the courts.[63] Examination of policy suggests that only consequences intended and contemplated by the rule-making body are included,[64] and that the government is unwilling to accept liability for bad administration as distinct from actively reprehensible conduct. No express provisions being included in the English act, common law rules must be applied. The Crown will never be liable for acts carried out in performance of an imperative statutory direction (that is, one saying what shall be done and how it is to be done) unless there is negligence (quære whether the United States will be liable for the negligent performance of such a compulsory statutory obligation) or for non-tortious performance executed with permissive statutory authority.[65]

The second part of this exception excludes claims based on the exercise of discretionary functions. This would seem to restate the existing law with regard to public officers and is not mentioned in the English act. Nothing contained in the legislation will prevent mandamus from lying against the officer

himself where he refuses to exercise a discretionary function. It is clearly undesirable that the operation of a government agency should be hindered by litigation alleging negligent or abusive use of discretion. The justification for also exempting non-exercise of discretion is not so clear. The same policy factors which have influenced the development of the law relating to public officers should be relevant here, and it seems that both acts are deficient in not allowing even mandamus to lie against the government in such cases.

The English statute provides that:

> ". . . Where the Crown is bound by a statutory duty which is binding also upon persons other than the Crown and its officers, then, . . . the Crown shall, in respect of a failure to comply with that duty, be subject to all those liabilities in tort (if any) to which it would be so subject if it were a private person of full age and capacity."[66]

The Federal Tort Claims Act is silent on the matter, but the express reference to "failure to exercise or perform a discretionary function or duty" suggests there was no intention to exempt from such liability. All seems to depend on whether a breach of statutory duty is a wrongful omission, and it seems probable that the courts will so hold.

2. *Torts of the Post Office Department, etc.* Section 421 (b) exempts "any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter." There is a similar provision in section 9(1) of the English act.[67] The latter compares unfavourably with its American counterpart in that it adds:

> ". . . nor shall any officer of the Crown be subject, except at the suit of the Crown, to any liability for any of the matters aforesaid."

That a person witnessing his letter torn to pieces by the postmaster should not even have a remedy against the postmaster has been the subject of protest by Viscount Simon in Parliament.[68] The English section also provides, for the first time, that a person registering a postal packet shall have a legal cause of action against the government.[69] Since Congress justified the exception in the United States act by pointing out the ease with which postal matter is registrable,[70] it is regrettable that the act does not impose a clear-cut civil liability for registered mail similar to that in the English statute.

The further exemptions in section 421 of claims arising out of the administration of the Trading with the Enemy Act, the quarantine law and the fiscal and monetary systems, have no parallel in the English statute. No clear and conclusive explanation for them is traceable in the legislative history, and it seems possible that section 421(a) would have been adequate protection. It certainly appears harsh that the victim of a quarantine imposed by gross negligence should have no action against the United States.

3. *Claims arising out of "assault, battery, false imprisonment," etc.* The exemptions of maritime torts, Tennessee Valley and Panama Canal operations, and Customs and Tax Collectors, need not be considered here because other statutory provision for compensation has been made. Far more important is the exclusion of "any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights."[71] This is the most serious flaw in the United States act; none of these torts is exempted from the operation of the English act. The reasons adduced in support of the provisions are unsatisfactory. Only in committee hearings in earlier bills was any justification attempted, and it was then said that such suits were difficult to defend and likely to result in awards of high damages. The first argument is untenable, and the second loses its force when it is remembered that no jury actions are permitted under the act. This provision appears the more remarkable when it is noted that jury actions are allowed in proceedings under the English act. It is much to be feared that unless the English example is here followed in amending legislation, a spate of private claim bills will be unavoidable.

4. *Torts committed by the armed forces.* The United States has accepted a larger degree of responsibility for the acts of the armed forces than has the British government. True, the former exempts " any claim arising out of the combatant activities of the military or naval forces, or the Coast Guard, during time of war,"[72] but in administrative regulations and interpretations[73] " combatant activity " has been given a restricted meaning not extending to practice manœuvres or to any operations not directly connected with engaging the enemy, an interpretation which the courts may well follow.[74] That exemption apart, the United States accepts liability for acts of military and naval personnel performed in " line of duty,"[75] a phrase which will presumably receive a broader interpretation than " scope of employment."[76] The Crown Proceedings Act does not make any extension for service personnel of the ordinary principle of vicarious liability adopted in section 2(1). On the contrary, section 10 provides that neither the Crown nor the individual service member responsible should be sued for causing the death or personal injury of another service member, if the latter were either on duty or on service property, and if also " his suffering that thing has been or will be treated as attributable to service " for pensions purposes. Moreover, section 11 provides that the act shall not " extinguish or abridge any powers or authorities exercisable by the Crown, whether in time of peace or of war, for the purpose of the defence of the realm or of training, or maintaining the efficiency of any of the armed forces of the Crown." It is to be noted also that England has no provision for administrative determination of civil claims against the Crown in respect of military operations whether in war or in peace.

5. *Claims arising in foreign countries.* Finally, the Federal Tort Claims Act exempts " any claim arising in a foreign country."[77] Rather surprisingly, no such exclusion is made in the English act. Perhaps the fairest provision would be one empowering the Government to make separate arrangements with foreign countries, allowing actions against each other on a reciprocal basis, an arrangement which might have been expected to have been included in the United States act since reciprocity arrangements operate in the field of contract under the Tucker Act. England seems to have placed herself at a disadvantage by what may well have been an oversight, since the matter was not raised in Parliament. The United States has empowered the Secretary of State to settle claims for personal injuries to an alien caused by acts of her employees in foreign countries.[78]

F. *Finality of Decisions under Legislation*

When suits are brought under section 410(a) of the Federal Tort Claims Act,

> " The judgment in such an action shall constitute a complete bar to any action by the claimant, by reason of the same subject matter, against the employee of the Government . . ."[84]

Similarly, the acceptance of an administrative settlement:

> " . . . shall be final and conclusive on the claimant, and shall constitute a complete release by the claimant of any claim against the United States and against the employee of the Government . . . by reason of the same subject matter."[85]

The common law rules of *res judicata* provide that a former judgment is a bar to a subsequent action if it is between the same parties, on identical subject matter, and in respect of one and the same cause of action. This act extends these rules at least by providing that actions against the United States bar actions against the employee. Beyond that, does the statute merely restate the rules of *res judicata*? It is submitted that the loose expression " by reason of the same subject matter " would cover identity of subject matter, but not identity of cause of action, and that therefore this act extends the common law rules by barring further suits even though based on a different cause of action. For instance, it was held in *Brunsden v. Humphrey* that " the real test is not . . . whether the plaintiff had the opportunity of recovering in the first action what he claims to recover in the second "[86] and that a driver of a cab who had in a

previous action recovered for damage to the cab caused by the defendant's negligence was not barred from further proceedings for personal injuries, since actions for property damage and personal injuries constitute separate causes of action. Under the act it seems that such a second action would be denied to the plaintiff. The English act leaves untouched the common law rules, so that the plaintiff could even maintain a separate action against the employee after having sued the Crown.[87]

If a judgment is obtained against the United States Government the question arises whether the Government has a right of subrogation against the employee. In 1941, the Attorney-General advised that the Secretary of Agriculture had no authority to require an employee to reimburse the Government for a payment made in settlement of a claim for property negligence.[88] This opinion must be limited to administrative settlements: it seems that the ordinary rules of subrogation will apply to judicial decisions against the Government. Of course, the Government is more likely to resort to disciplinary than to legal action against its employees. The English position is identical, except that joinder of the employee is definitely permitted in the original proceeding.

G. *Rules of Evidence—Production of Government Documents*

There has been some discussion as to whether admissions of officers will bind the Government in subsequent litigation.[89] There seems no reason why, in both jurisdictions, the ordinary rules of agency in evidence should not apply to these situations. Another more perplexing problem, not covered in the Federal Tort Claims Act, but the most hotly contended portion of the Crown Proceedings Act, is that of production of government documents. The latter act for the first time allows discovery of documents against the Crown as of right but absolves the Crown from the requirement of producing documents if it would be injurious to the public interest. Most controversial of all, the Minister, not the court, is the sole judge of whether production is in the public interest.[90] This has a marked tendency towards bureaucratic oppression, yet, in fairness, it must be admitted that none of the experienced members of the judiciary who spoke on the matter in the House of Lords on the passage of the bill thought that judges were competent to decide this matter.[91]

The American position seems unsettled. Whether discovery against the United States is permissible at all is doubtful. At least one writer has said recently that freedom from discovery is part of the immunity of the Government, and that the Federal Rules are inapplicable.[92] Certainly the American authorities seem in a chaotic state, particularly as regards the validity and effect of departmental regulations forbidding disclosure. Wigmore suggests that all documents should be disclosed unless they relate to secrets of state in military or international affairs, and that regulations purporting to extend the privilege beyond these limits are void,[93] but no cases have been found which reached that conclusion. Just what the United States as plaintiff must produce is uncertain. For instance, *United States v. General Motors*[94] indicates that it must produce its files, but *Walling v. Comet Carriers, Inc.*,[95] and *Fleming v. Bernardi*[96] deny that proposition. What documents cannot be produced because it would be contrary to the public interest is not settled,[97] nor is it clear whether the judge should himself look at the documents to settle this question. The opinion of the Attorney General has been that the return made by the head of the department is conclusive, but it is doubtful whether the courts will accept that ruling.[98] A great opportunity was lost by not dealing with these matters in the 1946 act, for it may take years to unravel the common law complexities. The English legislation is to be commended for tackling the problem, at least, but the United States courts still have the opportunity, now denied to their opposite numbers in England, of formulating what the writer believes to be desirable rules, namely, that the government should be compelled to produce in litigation all relevant documents (whether or not it is a party), that the only exceptions should be state secrets in international and military

affairs, and that the court, assisted by affidavit from the head of the department, should be the sole judge whether production is to be allowed.

H. *Limitation Provisions*

Both acts prescribe a limitation period of one year.[99] The objects of this shortened period of limitation must be to prevent the government's having outstanding financial liabilities hanging over its head for an excessively long time, to reduce the risk of fraudulent claims[100] and at the same time to protect the citizen claimant from prejudice in his action. In the light of these tests, a limitation period of one year seems reasonable, but one difference between the two acts calls for investigation. The Tort Claims Act furnishes no extension for disability of the plaintiff. It is usual for statutes of limitation to extend the period by the duration of the infancy or insanity of the plaintiff. It may have been thought by the framers of the act that if, for instance, a six-year-old were the victim of negligent driving of a government servant, the possibility of the action being brought at any time within the next 16 years could not be countenanced by the Government. It is agreed that to extend the period in that fashion would be unwise, yet it is contended that there is much to be said for the British compromise. The Crown Proceedings Act incorporates by reference the Limitation Act of 1939. After providing generally for an extension of the period of infancy or lunacy, section 22(d) of the latter statute enacts that in actions against public authorities (now including the Crown) the period of one year shall be extended only when the plaintiff proves that " the person under a disability was not, at the time when the right of action accrued to him, in the custody of a parent." [101] Such a clause prevents injustice being done where the infant plaintiff has no parent available to sue on his behalf, and might be followed with advantage in the United States. This would appear to be the main case where hardship might ensue to the plaintiff if a rigid period of twelve months were insisted on. One article has suggested (without particular reference to disability) that the courts should be given general discretion to extend the time limit for reasonable cause.[102] The writer thinks the occasions when a time limit of twelve months is inadequate are limited to cases where the plaintiff is disabled and has no legal guardian at that time, and that these specific instances could be met by a particular clause on the order of the English one. To vest the courts with such a discretion might embarrass the Government, and it seems that the analogies of private law are best followed here.

I. *Joinder of Parties*

Uncertainty as to how far the Federal Rules of Civil Procedure apply to suits under the act makes it doubtful whether joinder of private parties as defendants is permitted under the act. The recent case of *Englehardt* v. *United States*[103] held that joinder was permissible where the plaintiff and the defendants were citizens of different states, but whether that decision will be generally followed, or be applicable where the plaintiff and defendants are citizens of the same state can be finally decided only by the Supreme Court.[104] The English act avoids these pitfalls by providing that " subject to the provisions of this act, all such civil proceedings by or against the Crown . . . shall be instituted and proceeded with in accordance with rules of court and not otherwise." [105]

J. *Rights of Set-off and Counterclaim*

Under the English act the subject sued by the Crown has the same rights of set-off and counterclaim as against another subject, with certain limited exceptions in tax proceedings.[106] This is another example of the wider scope of the English legislation affording more comprehensive relief to the citizen. The Federal Tort Claims Act, while giving the Government those full rights of counterclaim and set-off found in the Tucker Act, does not extend the rights of the citizen sued by the United States,[107] whose rights of counterclaim seem to be limited as follows. If he seeks an affirmative money judgment it must be a claim over which the court could have exercised jurisdiction in an original suit.[108] Any counterclaim must either arise out of the same transaction as the Government's cause of action or be one over which the

court could have had original jurisdiction.[109] Therefore, a United States tort can be the subject of a counterclaim only when the Government bases its case on the same cause of action and the amount of the counterclaim is such that a judgment against the United States would not result.

K. *Costs*

It has always been a principle of American law that the Government shall not pay costs unless clearly required to do so by statute. In England there have been great statutory inroads on that rule since 1855: costs have been payable on petition of right since 1860,[110] and since 1933 the Crown has paid and received costs like a private litigant.[111] By contrast, the United States does not pay costs (although it receives them) under the Tucker Act. Section 410 of the 1946 act allows costs (except attorneys' fees) to the successful litigant, and section 422 provides that the court, or the Attorney General or other official settling a case before judgment,

> "... may, as a part of the judgment, award, or settlement, determine and allow reasonable attorney's fees, which, if the recovery is $500 or more, shall not exceed ten *percentum* of the amount recovered under part 2 [without suit] or 20 *percentum* of the amount recovered under part 3 [suit filed] to be paid out of but not in addition to the amount of the judgment, award or settlement. ..."

There seems no reason why the United States should be in a privileged position, and the citizen's lawyer handicapped in suits between Government and citizen, and the equal treatment of subject and King in regard to costs achieved in England might be copied by the United States.

L. *Limitation on Remedies Available*

Money claims only may be pursued against the United States, and no relief by way of injunction, specific performance, recovery of specific chattels or execution of a judgment is permitted. Section 21 of the Crown Proceedings Act forbids injunction, specific performance and specific delivery, but authorises the court in lieu thereof to make orders declaratory of the rights of the parties, which orders will no doubt in practice be carried out. In neither act is any effective means provided for enforcing judgments against the Government. It is true that the English act details a procedure for satisfaction of orders, but in the last analysis there is no enforcement provision, and execution is forbidden. The suitor has no legal remedy if the legislature makes no appropriation.[112] The fact that in nuisance actions against the United States not even a declaratory order or injunction is available constitutes a serious limitation on the plaintiff's rights. The English statute authorises interest at the ordinary rates to be available against the Government on judgment debts, on costs, and even on the damages before the date of judgment.[113] The United States act gives a lesser remedy to the plaintiff by forbidding interest before judgment and also punitive damages.[114]

III CONCLUSION

Thus, without regard to any particular social theory, force of circumstances has compelled both England and the United States to acknowledge governmental liability for wrongs inflicted on the citizen through the functioning of governmental agencies. The approach of both English and American acts is an extension of private law concepts of agency and vicarious liability to the Government.

It may be said that the object of both acts is to assimilate the position of the citizen as against the Government to his position when suing another citizen, as far as reasonably practicable. It has been seen that the assimilation is far from complete in either system. The English act is too tender to the executive, and shows traces throughout of compromises with government departments. The latter have long been opposed to such legislation, and lingering traces of this hostility are seen in the limits imposed on military[115] and Post Office liability, and, above all, in the rules relating to discovery. Where, however, to give a complete remedy to the citizen would not interfere with the executive, there seems a readiness in the English act to accord him that remedy. Nothing in the act suggests that Parliament seized every chance to cut down financial

liability; on the contrary, the act is marked by its generosity. One is struck, too, by its orthodoxy. It never goes beyond the limits of existing private law, and when it does not go so far, the explanation seems to be executive pressure.

The United States statute bears less trace of executive interference, and also provides for administrative determination of small claims. On the other hand, the determination of Congress to avoid what are thought to be pecuniarily excessive liabilities is manifest throughout. This seems to explain such serious gaps as the exemption of assault, defamation, and numerous other torts. Moreover, it suffers in comparison with the English act by covering a narrower field. Too many procedural matters such as joinder and discovery are left unsettled. It is unfortunate that this act and the Tucker Act have not been dovetailed more completely, for this has led to such lacuna as the total failure to provide for quasi-contract actions, and to differences between the treatment of government contract and government tort, for instance, in costs provisions. These are neither logical nor defensible.

Each act would be improved if it assimilated more exactly the rules between citizen and Government with those operating between citizen and citizen. That so much, at least, should be done in each country, the writer has no doubt. The hesitancy of Congress and the British departments must be overcome, and the above-mentioned flaws of the respective acts put right. Such reform is surely not ahead of current lay and legal opinion, and could be expected to be implemented without serious public opposition.

There remains the further question: Is it enough merely to extend the private law to the Government? If the fire brigade floods your shop while extinguishing a fire next door, if you are knocked down accidentally by a state ambulance rushing a critically ill patient to the hospital, if in attempting the arrest of a street bandit you are fired upon, are you to have a right of action for damages against the Government? There is ethical justification for the assumption of liability in such cases, but the difficulty is to decide where to draw the line, once the boundaries of fault are violated. A man may suffer economic loss through broad decisions of policy worked out by the Government. If, for instance, the Government institutes gasoline rationing, the man who depends on an automobile for his livelihood suffers more than his neighbour. If, at a lower level of administrative policy, admission of children to public places of amusement in Blanktown is temporarily prohibited during an epidemic, are the cinema owners to be compensated? And what of the owner of the candy store in the cinema foyer? If a shopkeeper has his application for a licence turned down through error, is he entitled to damages?

It is a hard task to define the criteria which determine when, beyond the bounds of existing common law, the Government should assume liability. Perhaps, where the limits of the injury ensuing on governmental operations can reasonably be foreseen, or when it is to be anticipated that the effects of governmental action will be felt by certain individuals, and the damage is not too remote, the Government ought to be liable. The Government can predict that its vehicles may knock down pedestrians, and that policemen in firing at a gunman may kill a bystander. On the other hand, surely the candy-store keeper in the closed cinema fails in his action because his damage is too remote. But the damage caused to the commercial traveller by gasoline rationing is neither too remote nor unforeseeable, and yet the Government cannot be expected to compensate him. Further criteria must be sought in cases such as these: the test cannot be whether the act is legislative in form, for there seems no reason why the determination that the decision is rule-making rather than adjudicatory should affect the rights of the injured citizen. The point is that individual well-being is not in itself absolutely assured by any Government, and that whenever private interest conflicts with public good, the former must be subordinated to the latter. The individual must pay for the privilege of living in an ordered society. Rules must be framed which, in the light of economic

conditions, administrative needs and juristic considerations, will determine when the citizen is paying too high a price. When he suffers a bad bargain let him be compensated for his loss.

Here, then, is an important problem, and one to which no simple and universal solution is applicable. Each fact situation calls for a careful weighing in the balance of the public interest against that of the individual, an estimation of the remoteness and foreseeability of the damage, and an assessment of the expense and administrative difficulty involved. Since it is impossible to categorise the circumstances when these vague criteria are present, a detailed statute providing that in certain prescribed cases the Government shall be liable in tort seems impracticable at the present time.

It is tempting to think the situation analogous to that where the courts of Chancery worked out remedies for situations not covered by the common law, and ultimately built up the system of Equity. Or again, the Continental handling of these issues can be looked at for comparison. In France, the *Conseil d'Etat*, and administrative tribunal, has jurisdiction over civil claims against the Government, and has regularly awarded compensation to subjects injured by operations of the Government, even though there was no fault. It is significant that that tribunal has continually refused to lay down any fixed principles, and that the attempts made by French jurists such as Hauriou, Jèze, Duguit, Berthélèmy, Appleton and Waline to develop philosophical and juristic theories have led to no appreciable measure of agreement as to the basis of liability. Just as Equity courts treated each case on its merits in the early stages, so do the Continental administrative tribunals dealing with governmental liability. Because of the limitations imposed by the doctrine of *stare decisis*, Anglo-American courts cannot even follow in the path of the courts of Chancery unless they are given statutory authority. Perhaps the most that should be done is that some general statutory provision embodying only the broad principles outlined in the previous paragraph should be passed.

A further query is outstanding: Should the courts entrusted with the development of this new body of law be the ordinary courts? It may be argued that the examples of Equity and *droit administratif* point to the desirability of special courts untrammeled by private law concepts being set up to work out these principles. If that contention is to be accepted, then the further point whether such a new court is to have jurisdiction of all claims against the government must be decided. In France, the orginal intention appears to have been that the *Conseil d'Etat* should adjudicate on all claims in respect of injuries inflicted by the Government, yet, that having been found unworkable, the doctrine of administrative trespass (*Voie de fait*) has been invoked to empower the ordinary civil courts to adjudicate on claims against the Government where the protection of the rights and liberties of the subject is in issue.[116] England and the United States would have to decide whether they were to entrust all civil claims against the Government to a new court. If they did, the new court could hardly be expected to follow the common law courts exactly, even on facts to which a common law rule would be readily applicable. Inevitably, a new and completely separate body of law for Government claims cases, a body of public law, in fact, not merely an extension in certain directions of private law, would be built up. The alternative would be to assign only cases under the new proposed statute to the administrative court. This would be difficult to administer because the plaintiff would frequently be uncertain whether the common law gave him a remedy. Would he then have to lose a common law action before claiming a separate relief in the administrative court? Furthermore, it is out of harmony with the Rule of Law and Anglo-American legal tradition to set up separate administrative courts to deal with matters normally within the scope of the ordinary courts.

If, therefore, the legislature were to recognise the need for an extension of governmental liability, then it would seem best to entrust to the ordinary courts the task of dealing with each case

on its merits by the application of the criteria suggested above. The problem is complex, it admits of no ready solution and the courts cannot be expected to work out any coherent doctrine for a long time. If an enlightened legislature is willing to acknowledge these aspects of governmental liability, it must also let the courts handle these further cases in an empirical fashion, and not complain if a consistent body of principles is not rapidly developed.

---

[1] 60 Stat. L. 842, 28 U.S.C. (1946) § 921.
[2] 10 & 11 Geo. 6, c. 44.
[3] See 1 POLLOCK AND MAITLAND, HISTORY OF ENGLISH LAW, 2d ed., 515-518 (1899); 9 HOLDSWORTH, HISTORY OF ENGLISH LAW 8 (1926).
[4] See Y.B. 1 Hen. 7 Mich. pl. 5, per Hussey, C.J.
[5] Borchard, "Government Responsibility in Tort," 36 YALE L.J. 1 at 31 (1926).
[6] Writers who do not so distinguish them, for example, SINGEWALD, THE DOCTRINE OF NON-SUABILITY OF THE STATE IN THE UNITED STATES 45-46 (1910), cannot explain why the petition of right was available for contract, but not for tort.
[7] Viscount Canterbury v. Attorney-General, 1 Phill. 306 (1842); Tobin v. The Queen, 16 C.B.N.S. 310 (1864); Feather v. The Queen, 6. B. & S. 257 (1865).
[8] Attorney-General v. De Keyser's Royal Hotel, Ltd., [1920] A.C. 508 at 530.
[9] Yick Wo v. Hopkins, 118 U.S. 356 at 370, 6 S.Ct. 1064 (1886).
[10] Chisholm v. Georgia, 2 Dall. 2 U.S. 419 (1793).
[11] 6 Wheat. 19 U.S. 264 (1821).
[12] Railroad Co. v. Tennessee, 101 U.S. 337 at 339 (1879). It is interesting to speculate why other litigation privileges associated with sovereignty in England have not been incorporated in American law, for example, the presumption that the government is not bound by statute, or the inability of military and civil servants to sue for breach of contract of service because they are "dismissable at His Majesty's pleasure."
[13] Kawananakoa v. Polyblank, 205 U.S. 349 at 353, 27 S.Ct. 526 (1907).
[14] Per Mr. Justice Miller, Langford v. United States, 101 U.S. 341 at 346 (1879).
[15] 106 U.S. 196 at 206 ,1 S.Ct. 240 (1882).
[16] 11 Allen (157 at 162-163 (1865).
[17] "A Survey of Public Interests," 58 HARV. L. REV. 909 at 916 (1945).
[18] Freund, "Private Claims against the State," 8 POL. SCI. Q. 625 at 626-627 (1893); Richardson, "History, Jurisdiction, and Practice of the Court of Claims of the United States," 7 So. L. REV. 781 et seq. (1882) describes in detail the legislative process.
[19] For a full account of the work of this court see WATKINS, THE STATE AS A PARTY LITIGANT (1927).
[20] See 32 YALE L. J. 725 (1923); 43 YALE L. J. 674 (1934); Anderson, "Tort and Implied Contract Liability of the Federal Government," 30 MINN L. REV. 133 (1946).
[21] For example, the State of Washington in Riddoch v. State, 68 Wash. 329, 123 P. 450 (1912). And see Smith v. State, 227 N.Y. 405, 125 N.E. 841 (1920).
[22] See Blachly and Oatman, "Approaches to Governmental Liability in Tort: A Comparative Study," 9 L. AND CONTEM. PROB. 181 at 196 et seq. (1942); Trotabas, "Liability in Damages under French Administrative Law," 12 J. OF COMP. LEG. AND INT. L. 44 (1930).
[23] Keifer & Keifer v. Reconstruction Finance Corporation, 306 U.S. 381, 59 S.Ct. 516 (1939).
[24] 36 Stat. L. 851. (1910); 40 Stat L. 705 (1918), 35 U.S.C. (1946) § 68.
[25] 41 Stat. L. 525 (1920), 46 U.S.C. (1946) §§ 741, 742.
[26] 43 Stat. L. 1112 (1925), 46 U.S.C. (1946) § 781.
[27] 49 Stat. L. 1049 (1935); 57 Stat. L. 553 (1943), 28 U.S.C. (1946) § 250 (a).
[28] 39 Stat. L. 742 (1916).
[29] 42 Stat. L. 1066 (1922), repealed by 60 Stat. L. 846 (1946).
[30] For a list of these statutes see Gellhorn and Schenck, "Tort Actions against the Federal Government," 47 COL. L. REV. 722. at 724, note 15 (1947); and 53 YALE L.J. 188 at 191, note 22 (1943).
[31] See Holtzoff, "The Handling of Tort Claims against the Federal Government," 9 L. AND CONTEM. PROB. 311 at 322 (1942); Moore, "Federal Tort Claims Act," 33 A.B.A.J. 857 at 858, note 14 (1947).
[32] 122 HANSARD 533.
[33] For example, MEMOIRS OF JOHN QUINCY ADAMS 480 (1876); Luce, "Petty Business in Congress," 26 AM. POL. SCI. REV. 815 at 818-819 (1932); Shumate, "Tort Claims Against State Governments," 9. L. AND CONTEM. PROB. 242 at 249 et seq. (1942); Anderson, "Tort and Implied Contract Liability of the Federal Government," 30 MINN. L. REV. 133 at 149 (1946). For a collected list of Congress' criticisms, see Memorandum for House Committee on Judiciary, Federal Tort Claims Act, Appendix II printed in record of Hearings before House Committee on Judiciary on H.R. 5373 and H.R. 6463, 77th Cong., 2d sess., p. 49 et seq. (1942).
[34] For a summary of the legislative history, see Report of the Joint Committee on the Organisation of Congress to Accompany S.2177, S. Rep. 1400, 79th Cong., 2d sess., p. 30 (1946).
[35] [1946] A.C. 543.

[36] Royster v. Cavey, [1947] K.B. 204.

[37] The Crown Proceedings Act 1947 (Commencement) Order 1947, S.R. & O. 1947 (No. 2527) 10 & 11 Geo. 6, c. 44.

[38] F.T.C.A., § 410(a).

[39] F.T.C.A., § 402(b).

[40] Crown Proceedings Act, s. 2 (6).

[41] Gellhorn and Schenck, " Tort Actions against the Federal Government," 47 COL. L. REV. 722 at 727 (1947).

[42] Hearings before the House Committee on the Judiciary on H.R. 5373 and H.R. 6463, 77th Cong., 2d sess., p. 16 (1942).

[43] See Moore, " Liability for Acts of Public Servants," 23 L.Q. REV. 12 (1907) ; and Street, " Crown Proceedings," (paper delivered at Anglo-French Legal Conference, June, 1947), p. 11.

[44] See Street, " Defendants under the Crown Proceedings Act 1947," 97 L.J. 685 (1947).

[45] Fisher v. Oldham Corporation, [1930] 2 K.B. 364 ; Stanbury v. Exeter Corporation, [1905] 2 K.B. 838 (sanitary inspector).

[46] Crown Proceedings Act, s. 38 (2).

[47] SECOND ANNUAL REPORT OF THE LAW REVISION COMMISSION OF THE STATE OF NEW YORK, 941 at 947 and 951 at 973 (1936).

[48] See " Litigation with Nationalised Industry," 96 L.J. 297, 311 at 312 (1946) ; Sellar, " Government Corporations," 24 CAN. B. REV. 383, 489 at 506 (1946) ; The agency and the Crown may well be jointly liable under English law, whereas F.T.C.A., § 423 provides that the agency can never be sued if the United States is liable.

[49] F.T.C.A., § 402(c).

[50] New York State has a similarly phrased provision. N.Y. Court of Claims Act, § 8, enacted by N.Y. Laws (1939) c. 860.

[51] Crown Proceedings Act, s. 2(1)(c).

[52] 56 YALE L.J. 534 at 540-542 (1947).

[53] Harley v. United States, 198 U.S. 229, 25 S.Ct. 634 (1905).

[54] 56 YALE L.J. 534 at 541 (1947).

[55] For example, if *A* preserves *B*'s belongings from impending harm, *A* has an action in quasi-contract for the value of his services and expenditure, but no action in tort.

[56] Raven Red Ash Coal Co. v. Ball, 185 Va. 534, 39 S.E. (2d) 231 (1946) ; see Corbin, " Waiver of Tort and Suit in Assumpsit," 19 YALE L.J. 221 (1910), and for further instances, Bavins v. London and South Western Bank, [1900] 1 Q.B. 270 ; Cohen v. City of New York, 283 N.Y. 112, 27 N.E. (2d) 803 (1940).

[57] Brocklebank, Ltd. v. The King, [1925] 1 K.B. 52 at 68 ; Marshal Shipping Co. v. Board of Trade, [1923] 2 K.B. 343 at 356.

[58] Crown Proceedings Act, s. 1.

[59] F.T.C.A., § 410 (a).

[60] Some light may be thrown on the matter by the evidence of the Special Assistant to the Attorney-General (A. Holtzoff) on an earlier Bill, Hearings before the Senate Committee on the Judiciary on S. 2690, 76th Cong., 3d sess., p. 36 (1940), where he indicates that the Small Claims Act of 1922 included only property damage, and that that Bill was drafted so as to make it clear that claims for personal injury as well as property damage were included. New York State, which had a similar form of wording in its Court of Claims Act of 1922, wisely avoids the pitfall in its 1939 Act, section 8 of which provides : " The state hereby waives its immunity from liability and action and hereby assumes liability and consents to have the same determined in accordance with the same rules of law as applied to actions in the supreme court against individuals or corporations. . . ."

[61] See Wilson v. Grace, 273 Mass. 146, 173 N.E. 524 (1930), for such an interpretation of a statute creating liability for " injury to the person."

[62] F.T.C.A., § 421 (a).

[63] It has been suggested that on the introduction of this act, the courts may reverse their tendency to find a " taking " within the Tucker Acts because there will now be a remedy in tort. This does not take account of the fact that most of the " taking " cases would fall within this exception to the act. To narrow the interpretation of the Tucker Act would be to deprive many plaintiffs of all remedy.

[64] See Hearings before the House Committee on the Judiciary on H.R. 5375 and H.R. 6473, 77th Cong., 2d sess., p. 29 (1942).

[65] For example, Metropolitan Asylum District v. Hill, 6 App. Cas. 193 (1881) ; an asylum erected under statutory powers constituted a nuisance, and because the statute merely authorised the creation of an asylum, but not in the particular place and manner chosen by the defendants, statutory authority was no defence to an action for nuisance.

[66] Crown Proceedings Act, s. 2 (2).

[67] This extends also to telephonic communications, since they too are under the control of the Post Office.

[68] 146 HANSARD, no. 39 at 76 (1947).

[69] Crown Proceedings Act, s. 9 (2).

[70] Hearings before the Senate Committee on the Judiciary on S. 2690, 76th Cong., 3d sess., p. 38 (1940).

[72] F.T.C.A., § 421 (h).

[72] F.T.C.A., § 421 (j).

[73] The phrase does not seem to have been litigated.

[74] On the contrary, the Assistant Attorney-General said it was intended to avoid the inconvenience that would result from bringing military personnel from their duties to the courts in time of war. Hearings before House Committee on Judiciary on H.R. 5373 and H.R. 6473, 77th Cong., 2d sess., p. 12 (1942).

[75] F.T.C.A., § 402 (c).

[76] For example, in O'Hagan v. United States, 103 Ct. Cl. 408 (1945), an officer moving from one unit to another in his automobile, and not proceeding by the most direct route, was held to be " in line of duty " for the purposes of an allowance claim.

[77] F.T.C.A., § 410 (k). The reason for this exception (not in the earlier Bills) adduced in 1942 by the Assistant Attorney-General was that under the act the *lex situs* determines the liability of the United States. Hearings before the House Committee on the Judiciary on H.R. 5373 and H.R. 6463, 77th Cong., 2d sess., p. 35 (1942).

[78] 49 Stat. L. 1138 (1936), 31 U.S.C. (1946) § 224(a).

[84] F.T.C.A., § 410(b).

[85] F.T.C.A., § 403(d).

[86] 14 Q.B.D. 141 at 151 (1884).

[87] Part II of the Law Reform (Married Women and Tortfeasors) Act of 1935 which authorises (on certain conditions) suits against a joint tortfeasor after earlier proceedings have been instituted against another joint tortfeasor, shall bind the Crown. Crown Proceedings Act, s. 4 (2).

[88] 40 OP. ATTY. GEN. (March 25, 1941).

[89] Spilman, " Evidence and Admissions of Government Employees under the Act," 33 A.B.A.J. 958 (1947).

[90] Crown Proceedings Act, s. 28. Duncan v. Cammell Laird & Co., [1942] A.C. 624.

[91] Cf. the voluntary and at least partial abandonment by the Supreme Court of its claims to review questions of fact on appeals from administrative tribunals.

[92] O'Reilly, " Discovery Against the United States : A New Aspect of Sovereign Immunity," 21 N.C. L. REV. 1 (1942). Contra : Pike and Fischer, " Discovery against Federal Administrative Agencies," 56 HARV. L. REV. 1125 (1943). But see United States v. General Motors Corporation, (D.C. Ill. 1942) 2 F.R.D. 528.

[93] 8 WIGMORE, EVIDENCE, 3d ed., § 2378a (1940).

[94] (D.C. Ill. 1942) 2 F.R.D. 528.

[95] (D.C. N.Y. 1944) 3 F.R.D. 442.

[96] (D.C. Ohio 1941) 1 F.R.D. 624.

[97] Robinson v. United States, 50 Ct. Cl. 159 (1915); United States v. General Motors Corporation, (D.C. Ill. 1942) 2 F.R.D. 528.

[98] 13 OP. ATTY. GEN. 539 (1871). See Crosby v. Pacific Lines, Ltd., (C.C.A. 9th, 1943) 133 F. (2d) 470 ; Pollen v. Ford Instrument Co., (D.C.C.N.Y. 1939) 26 F. Supp. 583.

[99] F.T.C.A., § 420 ; Crown Proceedings Act, s. 30(2).

[100] Cf. Mr. Justice Cardozo in Thomann v. Rochester, 256 N.Y. 165 at 170, 172, 176 N.E. 129 (1931) ; " A judgment against a municipal corporation must be paid out of the public purse. Raids by the unscrupulous will multiply apace if claims may be postponed till the injury is stale. The law does not condemn as arbitrary a classification of rights and remedies that is thus rooted in the public needs. . . .

" . . . Prompt service of the notice would have made it possible for the defendant to investigate the loss and ascertain whether the claim had been swollen in disfigurement of truth. Scrutiny becomes futile with the lapse of the obscuring years."

[101] The Public Authorities Protection Act of 1893, which formerly controlled actions against public authorities, contained no extension for infants, and the Court of Appeal, in Jacobs v. London County Council, [1935] 1 K.B. 67, held that none could be implied. The Law Revision Committee set up by the Lord Chancellor in 1934, in their Fifth Interim Report, on statutes of limitation (December, 1936, Cmd. 5334) recommended the inclusion of the extension.

[102] Gellhorn and Schenck, " Tort Actions against the Federal Government," 47 COL. L. REV. 722 at 734 (1947).

[103] (D.C. Md. 1947) 69 F. Supp. 451. And see United States v. Sherwood, 312 U.S. 584 at 590 S. Ct. 767 (1941).

[104] Cf., YALE L.J. 534 at 554 (1947) ; Gellhorn and Schenck, " Tort Actions against the Federal Government," 47 COL. L. REV. 722 at 733 (1947) ; Gottlieb, " Federal Tort Claims Act—A Statutory Interpretation," 35 GEO. L.J. 1 at 36 (1946).

[105] Crown Proceedings Act, s. 13.

[106] Id., s. 35(2)(g).

[107] F.T.C.A., § 411.

[108] United States v. Shaw, 309 U.S. 495, 60 S. Ct. 659 (1940).

[109] United States v. United States Fidelity and Guaranty Co., 309 U.S. 506, 60 S. Ct. 653 (1940).

[110] Petitions of Right Act of 1860, s. 12, 23 & 24 Vict. c. 34.

[111] Administration of Justice (Miscellaneous Provisions) Act of 1933, s. 7, 23 & 24 GEO. 5, 36.

[112] Hetfield v. United States, 78 Ct. Cl. 419 (1933); See Laski, "Responsibility of the State in England," 32 HARV. L. REV. 447 at 455 (1919); Gottlieb, "Federal Tort Claims Act—A Statutory Interpretation," 35 GEO. L.J. 1 at 36, note 47 (1946).

[113] Crown Proceedings Act, s. 24.

[114] F.T.C.A., § 410(a).

[115] For example, Viscount Jowitt, Lord Chancellor, speaking with reference to the military exemptions (46 HANSARD, no. 139 at 60) said: "Let me be quite frank: this clause . . . is one of the clauses I have been pressed and indeed compelled by the Service Departments to insert in order to overcome the misgivings or, if you like, the reluctance which they feel, and have traditionally felt, about the introduction of this Bill. . . I must make it plain that this is one of the clauses which I have had to say I will see is in the Bill."

[116] See UHLER, REVIEW OF ADMINISTRATIVE ACTS 141 et seq. (1942).

INSTITUTE OF PUBLIC ADMINISTRATION

New Books

Large Scale Organisation

A symposium of essays on the organisation of eleven large scale undertakings including the Post Office, Ministry of National Insurance, London County Council, Lever Brothers and Unilever Limited, Imperial Chemical Industries the Iron and Steel Federation, Prudential Assurance Company.

Edited by G. E. Milward, M.C., and published by Messrs. Macdonald and Evans. Price 16s.

Administrative Tribunals at Work

A symposium of essays describing the work of seven Administrative Tribunals, edited by Robert S. W. Pollard, with a Foreword by Professor W. A. Robson and an appendix containing a complete list of Administrative Tribunals.

Published by Messrs. Stevens and Sons. Price 17s. 6d.

Both these books may be ordered from the Institute of Public Administration, 18, Ashley Place, London, S.W.1.

Conferences 1950

11th March at London School of Economics

Personnel Management in Scattered Organisations will be the subject of this conference. Those taking part include Sir Herbert Hutchinson, K.B.E., C.B., Secretary of the National Coal Board and a Colliery Manager; Mr. W. J. Neden, C.B., C.B.E., Director of Organisation and Establishments of the Ministry of Labour and a Regional Controller of that department.

23rd-25th June. Weekend Conference at University College, Leicester

Details to be settled.

7th-12th September. Queen's University, Belfast

Details to be settled. It is hoped to include visits to Londonderry, the Mourne Mountains, the Giant's Causeway and Dublin.

Local Government in the Sudan

By Mekki Abbas

THE Sudan Government invited Dr. Marshall in 1948 to visit the Sudan "to enquire into and report on the policy and practice of local government and to make recommendations upon any matter arising from the enquiry." Dr. Marshall stayed over four months in the Sudan and paid a week's visit to Kenya. During his stay in the Sudan he travelled widely in the country, saw the local government institutions at work, and heard the views of many Sudanese and British interested in or related to those institutions. His report was submitted in April 1949.

The foundations of Sudanese local government were laid in 1922 on a recommendation by the Milner Commission to Egypt. From this date to 1948, when Dr. Marshall was asked to make his enquiry, a number of developments took place in practice and policy. So Dr. Marshall was faced with problems which are either the outcome of historical events or of the diversity of conditions in the Sudan.

A brief survey is important to show how certain problems resulted from historical events. When the forces of the Mahdi were defeated in the Battle of Omdurman in 1898 and the battles that followed it in 1899, Sudanese leaders were either killed or taken to Egypt as prisoners. The system of administration which they built, such as it was, collapsed, and right from the beginning of the new regime a new system of administration, which bore no relation to any indigenous institutions, was introduced. It was a direct system of administration, and, as far as questions of major policy were concerned, it was highly centralised. At the bottom was the district commissioner who was responsible in his district for the execution of Central Government policy relating to major issues, and for the initiation and execution of matters of minor policy. He was also the magistrate and the commandant of police. He interpreted government policy to the people of his district and furnished his governor and the central government with public opinion and public feeling. He was responsible to the provincial governor, who, in his turn, was responsible to the Centre. The district commissioner was selected for the Sudan political service, as it is called, for his strength of character rather than for any specialised knowledge or experience. He may have read history, geography, chemistry or law at Oxford or Cambridge, been a soccer, rugger, or cricket Blue, or he may have "rowed himself into the Sudan political service."

This was the sole system of administration from the early days of the regime until after World War I, when a wave of political restlessness swept over Egypt and many parts of the Sudan. The Milner Commission was appointed to enquire into this restlessness, and one of its recommendations on the Sudan was that "the administration of its different parts should be left, as far as possible, in the hands of native authorities wherever they exist, under British supervision." After this recommendation a policy of reviving tribal authority, which had almost disintegrated, was embarked on. Tribal chiefs were resurrected, given a measure of legal authority, followed by gradual delegation of administrative authority. The district commissioner supervised and guided the new tribal administrations and continued to do the bulk of his work which was not delegated to tribal chiefs. The senior members of the Sudan Government turned to men like Lord Lugard and Sir Charles Brooke, the Rajah of Sarawak, for guidance in the principles of the new policy; a member of the political service was sent on a mission to Northern Nigeria to study the system of native administration there, and policy was definitely one of a fully-fledged "indirect rule" system.

Many Sudanese, particularly the educated class, opposed the new policy because they believed, and they had good reason to believe, that the aim of the new system was not so much to reform the

administration as to create puppet administrations that would be a safeguard against nationalist political movements.

The policy was, however, implemented, and by 1937 native administrations were established all over the country, and were given high legal authority in the advanced areas and moderate in the backward ones. They were also given a fair measure of administrative responsibility. It should be noted here that the policy was applied much more vigorously in the rural areas than in the towns.

A new development took place in 1937. The Public Order Ordinance and the Public Health Ordinance were repealed, and in their place Local Government Ordinances were enacted. These ordinances divided the Sudan into Rural Areas, Townships and Municipalities. They provided for the gradual delegation of powers by the governors to individuals or bodies to be created local authorities, and also gave such bodies a measure of financial responsibility. The tendency in the years that followed the promulgation of these laws became increasingly one of representative government on the lines of English local government. When Dr. Marshall visited the Sudan in 1948 he found five warranted municipal councils, nine town councils, and three urban councils, all consisting mostly of popularly-elected members. He also found 14 warranted semi-elected rural or rural district councils with separate budgets. Municipal and town councils had their own executive officers seconded from the political service, but in rural areas the tribal leader, himself a member of the council, was the executive officer. But nowhere in the Sudan were the full responsibilities of local government delegated to the local authorities. The district commissioners were still there, though the number of the districts decreased because the creation of native administrations rendered possible the amalgamation of smaller districts in the neighbouring bigger ones.

Dr. Marshall's report is a document which will play a most outstanding part in the history of political institutions in the Sudan. It will give the Sudan a system of local government which does not stamp out tribal organisations and yet follows the principles of sound local government. If his recommendations are implemented, as it seems they will be, the British administrators will leave behind them a sound democratic system for which they will be remembered with gratitude and appreciation. It will not be a system of archaic tribalism which will be the first to be liquidated by a nationalist government in the same way as the Rajahs were liquidated in India. It will be a modern democratic system which will last in spite of the strong tendency towards centralisation in the modern welfare state. His main recommendation is the adaptation of English local government system. "The main shape of local government," to quote from the speech of the Civil Secretary of the Sudan Government with which he introduced Dr. Marshall's report to the Executive Council, "and the policy which the Sudan Government have adopted of following the British model is endorsed and commended by Dr. Marshall."

But Dr. Marshall was faced with certain practices which the system inherited from previous policies, and which are repugnant to the principles of English local government. It is only possible to mention here the more serious ones :—

1. There was confusion of the traditional tribal authority with "local authority." The tribal chief acted as the traditional arbitrator, maintained security, dispensed justice according to tribal custom, and on top of this was given the responsibilities of local government. Dr. Marshall recommended that these authorities should be separated. Tribal authority, with all that it implies, the work of native courts, of maintaining public security and collecting taxes (central government) should be left to the tribal leaders who will be called the "native authority." The rest of the work, education, health, water supply, etc., should be the responsibility of the "local authorities."

2. The tribal heirarchy were not only the native and local authority in the

rural areas, but they were also the executors of the decisions of the local authority of which they are members. He recommended that each local authority should have its own executive officers who should be responsible to the elected councils.

3. The district commissioner's office continued to exist everywhere in local government areas. Its continuance was not desirable on principle, and two local authorities in the same area is a financial burden. Dr. Marshall recommended that whenever a local authority becomes capable of doing local government work the office of the D.C. should disappear.

4. Local authorities were created in some areas before those areas fulfilled the conditions necessary for such creation. He recommended that no further warrants should be issued creating local authorities until those conditions were fulfilled.

5. Local authorities were not given full financial responsibility. He recommended that they should be given full financial responsibility. He recommended also differentiating between central government and local government taxation and recommended loans and trading as further sources of local government income.

There were many other points related to the efficient running of local government institutions, of which the three most important are :—

1. Supervision, training and co-ordination. Dr. Marshall found that the local government section in the Civil Secretary's office was extremely small to shoulder the burden of supervising local authorities and to co-ordinate their relations with the central departments such as education, health, agriculture, etc. Most of this work was, and is still, being done through the D.C.s and the provincial governors. With the disappearance of the D.C. inspection should be provided for, and co-ordination should either be done through the provincial governor and through a properly constituted local government department in the Civil Secretary's office or the future Ministry of the Interior. The position of the provincial governor was outside the terms of reference of Dr. Marshall, and it seems that his position is left rather vague.

Dr. Marshall recommended ways of training executive officers, treasurers and the host of other local government personnel.

2. He found that, because of the absence of local papers in local government areas, and because of the lack of public interest in local government resulting from the confusion of the system as well as from its history, local government is not getting the publicity which it should have. To remedy this he recommended local government buildings separate and at some distance from the buildings of such institutions as native authorities and district headquarters. He also recommended the supply to the public of factual information in attractive form.

3. Control of the police in future presented a great problem after the suppression of the D.C.'s office. Dr. Marshall's recommendation in this respect was that local authorities should combine to form *ad hoc* authorities for this purpose. None of the authorities was in his view big enough to control its own police. He condemned the control of police by the State.

A word is necessary about the problems arising out of the diversity of conditions in the Sudan. Conditions vary from the Beja tribes on the Red Sea Hills that lead a nomadic life, with no definite places of habitation in the year, to big towns which are quickly becoming like modern towns in the civilised parts of the world. The country is vast—one million square miles inhabited by some seven million people—and a distance of of one hundred miles is not a long one to the wandering Sudanese. Some parts have highly developed agricultural schemes with a comparatively high density of population, others have poor grazing and are sparsely populated. Education has progressed in certain areas, especially in the towns, while ignorance and illiteracy prevail in most country places.

These diverse conditions of necessity forbid the application of local government to all parts of the Sudan at the

same time. Dr. Marshall therefore tabulated certain conditions which must be fulfilled before an area is given local government.

Dr. Marshall's report was well received by the Sudanese public, by the Executive Council, and by the Legislative Assembly. New local government legislation is being prepared to replace the Local Government Ordinances of 1937. The Report is, in short, making history in Sudanese political institutions and credit is due to Dr. Marshall and to those who were wise enough to seek his expert advice.

Treasury Control of Establishments

The following is the text of an Establishment Circular (E.C. 2/49) sent by the Treasury to Departments on 29 July 1949.

Sir,

A. COMPLEMENTS AND NUMBERS

1. I am directed by the Lords Commissioners of His Majesty's Treasury to inform you that a review has been carried out by the Treasury, assisted by Departments, of the existing arrangements for control of complements and numbers in the non-industrial Civil Service. The conclusion has been reached that the existing arrangements would be greatly improved by a redefinition of the powers of the Treasury and of Departments which would bring into more general operation arrangements for delegation of powers which are already in force in certain Departments. Important aspects of this question are dealt with in Part II of the Report of an inter-departmental Committee, which is reproduced as Annex A to this Circular. The recommendations of this Committee were favourably received by Principal Establishment and Organisation Officers generally, and it has now been decided to put them into operation.

2. The following are the essential principles of the system of control, which is being brought into general effect by this Circular :—

(i) The control of numbers in the Civil Service can only be carried out with full efficiency by the Principal Establishment and Organisation Officer of each Department (whose appointment and removal is subject to the approval of the Prime Minister) acting on behalf of the Permanent Secretary and Accounting Officer. It is therefore intended that the responsibility and the powers of Departments and of their Principal Establishment and Organisation Officers, who are charged with this most important duty, should be increased and widened.

(ii) The functions of the Treasury in the financial control and oversight of staff matters are most effectively carried out by concentration on broad issues and avoidance of matters of detail. The Treasury will therefore direct itself chiefly to the central control and scrutiny of the exercise of their responsibilities by the Departments.

(iii) In addition to exercising its general control over complements and numbers, the Treasury also has an important responsibility for securing an even standard of grading of posts throughout Departments. This may necessitate rather closer examination of particular branches and posts than would be required from the point of view of numbers alone.

(iv) As a corollary of (i) to (iii) the Treasury, while delegating further powers to Departments, will arrange for a comprehensive survey to be made once a year of the total staff numbers in each Department and of their deployment, more detailed examination of selected Branches being carried out as appropriate throughout the year. Treasury Divisions concerned will carry out more frequent visits for the purpose of examining on the spot the structure, organisation and staffing of Departments and branches. The Treasury will also institute test inspections as a check on the internal staff inspection system operated by Departments themselves. (See paragraphs 8–11 below.)

Departmental Control

3. The Treasury accepts the Committee's recommendation (paragraph 26) that Departments should have increased powers to alter complements in various grades and classes without prior Treasury authority. It has been decided that those departments in which the Principal Establishment and Organisation Officer holds the rank of Under-Secretary should have discretion (which will no doubt generally be delegated by the Head of the Department to the Principal Establishment Officer) to vary non-industrial Civil Service complements within the maximum of the approved staff ceiling, without seeking specific

Treasury saction, in respect of grades in the administrative, executive, clerical, sub-clerical, and minor and manipulative classes (and in corresponding departmental classes) up to and including :—

Principal
Chief Executive Officer

In the case of the professional, scientific and technical classes, employed in those Departments, the aim is to grant similar delegated powers as soon as sufficient experience has been gained of their recent reorganisation. But, for the time being, similar discretion will extend only to grades whose maximum salary does not exceed £700.[2]

4. In Departments in which the Principal Establishment and Organisation Officer is below the rank of Under-Secretary, it is not possible to lay down in this circular general rules governing the extent of the powers to be delegated, and the Treasury will notify individual arrangements to each Department which will have regard to the Department's circumstances, including its size ; for example, if the total non-industrial staff numbers 1,000 or more, the highest grade in which complements will be variable without Treasury authority will normally be Higher Executive Officer.

5. The grant of such delegated authorities to vary complements does not, of course, include sanction to undertake any important new function, or considerably to extend any existing function, without prior Treasury authority, even though the necessary staff can be found, within the salary provision for the current year, by switching from other divisions of the Department. Nor does it extend to authority to alter, without prior consultation with the Treasury the pay, conditions or standards of grading of any class, or to introduce any new class or grade. The substantial increase of delegations here proposed should be regarded as an experimental measure in the first place. Its success will be kept under review and if further modifications seem desirable they will be made.

6. Subject to these reservations, however, it is desired that (Principal) Establishment and Organisation Officers should exercise these powers without undue reference to the Treasury on points which are not of general application or special difficulty. Theirs is the first and most direct responsibility for control of complements and numbers. They will no doubt discharge it by reviewing periodically the various branches under their charge, paying special attention to altered work loads, and undertaking personal visits to those branches as often and as widely as possible. All Departments were asked in December, 1947 (E.O.C. 107/47) to institute and maintain adequate systems of internal staff inspection. The relevant extract is reprinted as Annex B to this Circular. An essential part of the new arrangements is that Heads of Departments should require their Principal Establishment and Organisation Officers to ensure that a fully effective internal system of staff inspection is in operation. In making their arrangements, Departments should be aware of the steps taken, in the light of E.O.C. 107/47, to improve the exchange of ideas and techniques between Departments. A series of meetings between Departments with roughly similar problems has now been held, and any Department interested in the outcome can obtain information from the Treasury Establishments Division which deals with their establishments business.

7. Departments are asked in any case to send a report to this Division not later than 31st December, 1949, describing briefly what arrangements are in force in the Department for the control of complements and for staff inspection and what further steps it is proposed to take to strengthen them.

Control and Scrutiny by the Treasury

8. As stated above, the Treasury proposes to direct its attention primarily to the central control and scrutiny of the exercise of their responsibilities by Departments. The Treasury is responsible for ensuring that Departments have themselves taken effective measures to limit the staff provision to what is

needed to carry out their essential duties and services. In discharging this responsibility, Treasury officers will be guided by paragraphs 24–26 of the accompanying Report. They will need to have ready access to their opposite numbers in Departments, and will be expected to visit personally as many as possible of the establishments in the Departments allotted to their charge. In particular, nothing in the delegation to Departments of discretion (within broad limits) to vary complements, grading, etc., should be thought to detract in any way from the freedom of Treasury officers to ask questions, make suggestions, take active part in surveys on the spot of Departmental establishments, and generally satisfy themselves that proper use is being made by Departments both of delegated powers and of specific authorities. In particular the Treasury will aim at carrying out once a year a comprehensive review of the numbers employed in each Department; individual branches will be examined in detail as seems appropriate, but the main object of these comprehensive reviews will be to consider the deployment of the numbers as a whole and to keep the Treasury informed of any changes or trends in complements and work loads. The Treasury will also keep under review the grading of posts with the object of securing an even standard of grading throughout Departments.

9. *Staff Inspections by the Treasury.*—The main task of carrying out this scrutiny will fall to Treasury Establishment Divisions, but to assist them and to supplement the control by Principal Establishment and Organisation Officers in their departmental sphere, it has been decided to appoint to the Treasury a small number of Staff Inspectors. The duty of these officers will be to conduct test checks of particular blocks of complements and staffs. They will not be expected to examine the functions or general organisation of departments. They will be selected from serving Civil Servants with special experience and skill in measuring the numbers and grading of staff proper to a given set of duties. They will be attached to Treasury Divisions and will visit Departments, normally in company with Establishment and Organisation Officers or their representatives. They will, of course, be expected to inform themselves about, and to operate in the light of, the arrangements for works survey or staff inspection already in force in the Department in question. And it will be part of their duty to help Departments to improve their technique by passing on knowledge of procedures adopted elsewhere in the Service.

10. *Supply of Information to the Treasury.*—In order that the Treasury may be continuously informed of the use made of these delegated powers, Departments are asked in future to subdivide their six-monthly returns under T.C. 18/48 so as to show the distribution between their main activities both of the staff in post and the staff forecast. This is information which Departments will already have for their own purposes. In these returns, no details need be given of grades, status (established or unestablished) or sex, as the Quarterly Staff Returns in their present form give sufficient material under these heads.

11. *Staff Limits and Targets.*—The Treasury propose to use the returns and forecasts, sub-divided as indicated in the previous paragraph, as the basis for the examination of Departmental Establishments suggested in paragraph 8 above, and for the determination of staff limits or targets. Subject to the Estimate provision on a salary subhead and the approved total staff limit not being exceeded without prior Treasury authority, they will not however, hold Departments too rigidly to the figure forecast for a particular division or activity; but they reserve the right to call for an explanation of any striking divergence between the forecast and the result. The relationship between the provision in the staff subheads of Estimates and the figures of staff in post or forecast raises a number of difficult questions which are to be reviewed separately.

B. CONDITIONS OF SERVICE

12. A review has also been carried out by the Treasury in consultation with Departments to see whether any sub-

stantial devolution of authority could be made by the control by the Treasury of conditions of service. This enquiry (like the review carried out into the control of complements and numbers) took as its starting point that the functions of the Treasury in staff matters are most effectively carried out by concentration on broad issues and avoidance of matters of detail. But the conclusion was reached that, since it is necessary to maintain reasonably common standards between Departments, there must be central control by the Treasury of the conditions of service (pay, allowances, hours, leave, sick leave, etc.), not only of General Service classes but of departmental classes. In all these matters the Treasury, in consultation with the National Staff Side, or the competent staff Association, as appropriate, must continue to frame the general rules or code and communicate them to Departments.

13. While steps have been taken to increase the delegation of authority given to departments in certain smaller matters, e.g., compensation cases, and while this process will be extended as opportunity offers, there is not, from the nature of the case, the same scope for devolution of control of conditions of service as of control of complements and numbers. Nevertheless, it has been decided that the volume of references to the Treasury on conditions of service could be considerably lightened in the following ways :—

First, Departments should exercise an effective discretion in interpreting the rules communicated to them and in applying them to individual cases without reference to the Treasury. It is, of course, this kind of work which constitutes the great bulk of establishment business. Departments are asked to ensure that references to the Treasury are confined to issues of difficulty and importance and that they are not made an alternative to referring the matter to the appropriate level within the Department.

Secondly, steps are being taken to make Treasury instructions in the form of E.O.C.s, Estacode, etc., as simple as the nature of the subject will allow. This will help Departments in interpreting rules without reference to the Treasury.

I am,

Your obedient Servant,

E. E. BRIDGES.

Annex A

PART II OF THE REPORT OF THE INTER-DEPARTMENTAL COMMITTEE ON TREASURY CONTROL OF ESTABLISHMENTS BUSINESS

History

17. Treasury control of complements, like its control of conditions of service, came into existence during the last century as part of the movement to create a unified Civil Service and it was essential in the situation at that time that the control should be a detailed one. We have shown how, as far as Treasury control of conditions are concerned, the developments of recent years have called for a greater concentration of control by traditional methods. In methods of complement control, on the other hand, there have been substantial changes in the last ten years in the methods first used in the last century, and we shall recommend even further modifications for the reasons set out below. Our aim is not to weaken that central control which was a cardinal point in the old doctrine but to suggest modifications of the machinery which will, in the changed circumstances, make for more effective control.

18. Up to 1939 the nineteenth century machinery of complement control retained most of its pristine simplicity. Not one additional clerk or cleaner was to be engaged by a Department without Their Lordships' authority. Each post was authorised for a certain part of each office and was in no circumstances to be moved without Their Lordships' authority. Only in the Post Office was there a radical change in the system. The Bridgeman Report resulted in the concept of a self-supporting Department that could spend part of any surplus revenue on the developments of its own services and therefore had an incentive to watch its expenditure with much the

same eagerness as the Treasury watchdogs themselves. Because this incentive existed the Treasury agreed in 1933 that the Post Office should be free to vary its complements without prior Treasury sanction in any grade (with certain exceptions) of which the maximum salary did not exceed £600. This was later raised to the present limit of £1,000. Other Departments, however, continued under the nineteenth century system and even the most trivial variations in complements had to run the gauntlet of examination by the Treasury.

Recent Developments

19. The recent war showed that the existing machinery had reached the limits of its capacity. Departments were expanding at such a rate and the need for variation in staff from day to day was so urgent that the Treasury would not have been able to cope with the volume of business entailed had the traditional methods of requiring specific authority been maintained. The Treasury therefore agreed that a number of Departments should, like the Post Office, be free to settle their complements in the basic and certain higher grades without prior Treasury approval. In most cases this authority was subject to the requirement that the Department should report from time to time any increases in complements that had been made. In other cases the authority to add posts in the higher grades was limited to a specific number of posts laid down from time to time. The existence of these " block grants " which Departments were free to use where they were needed gave almost as much freedom as if the Department had delegated authority to create new posts at that level.

20. The devolutions which took place during the war have not been disturbed and some have taken place since the war. The Annex to this Report sets out the existing authorities to vary complements without prior Treasury approval in a group of typical Departments. There are, of course, still a number of Departments that have no delegated authority whatever.

21. The Treasury, therefore, has recognised that it is now physically impossible, owing to the size and complexity of the Civil Service, to require all Departments to justify in advance each single variation in their complements. In our view the change in procedure, which has set Departments free to regulate their own complements within limits, even though it originated in necessity, is justified on merits. Its advantages for the Treasury as well as for the Service as a whole are such that the new methods should be extended further.

22. What the Treasury has in fact done is to delegate to Departments the function which it has previously exercised itself of criticising and deciding on proposals to vary complements in all but the most senior grades. This has been possible because of the growth in the standing and technical competence of Departmental Establishment Divisions. At the beginning of the century the position was quite different. Establishment Branches existed, if at all, in embryo and the Head took a low place in the Departmental hierarchy. All that has changed and the Principal Establishment Officer now holds a key position in each Department as the chief adviser to the Head of the Department on its staff economy. He performs, in relation to each part of the office, the function which the Treasury at an earlier stage performed for the Service as a whole. Faced with requests for additional staff he has to determine :—

(*a*) How far the work is necessary ;
(*b*) Whether the proposed organisation is right and economical ;
(*c*) How far the proposals are right in grading and numbers, and
(*d*) What reserves in other parts of the Department he can call upon to meet urgent needs.

23. He has a staff who will examine the proposals in the light of their intimate knowledge of the Department and of general Civil Service standards : they may, if necessary, inspect the work. The Principal Establishment Officer may discuss it with the Head of the Division and other people concerned and he will reach a decision on an evaluation of the various priorities and personalities concerned. He has to do this with a full sense of responsibility whether he

has authority delegated to him from the Treasury or not. We think, therefore, that the Treasury have every justification for delegating to these Establishment Officers the function of examining complement proposals that fall within the limits now obtaining, and shown in the appendix.

24. We go further and claim that it would be a positive advance if the Treasury extended this delegation more widely; not only would this place responsibility where it can best be exercised, but it would allow the Treasury time to take wider view of the whole subject of complement control. Under the present scheme Treasury Officers have to give too much of their time and attention to proposals for increases in staff. While they may want to examine, and where time permits they do in fact examine, the whole range of the complements of a Department, this work has, necessarily, to give place to the more immediate tasks of dealing with applications for increases in particular complements. This is not sound. The complements of static and contracting Departments would repay examination more than those of expanding Departments, and even in expanding Departments the first stage of expansion is not necessarily the best time for detailed examination of complements. It is often difficult to measure needs at the outset and, until the work has settled down, rather more staff may be needed than at the later stages. A system of fixing complements at the outset without systematic checks at intervals thereafter may lead to extravagance. We feel, therefore, that Treasury control could be exercised more effectively if it consisted in the main of systematic surveys of the staff of all branches of Departments, of the Departments' methods of complement control, their means of securing prompt reactions to altered work loads, and their standards of grading. This could only be done if the Treasury were relieved of much of its close detailed control and if there were a fundamental change in the relationship between Departments and the Treasury in this matter. In other words, if we may use accounting terms, the Treasury should concentrate on control with effective audit rather than on the detailed initial control of staff expenditure, unaccompanied by subsequent action.

25. We think Departmental Establishment Officers would welcome the assistance the Treasury offer through this system. Establishment Officers would, we feel sure, take the view that the more the Treasury can divest themselves of detailed complement control and increase their knowledge of the general establishment problems, the more valuable will be their advice.

Proposals

26. In more detail, our proposals are :—

(*a*) The Treasury's aim should be to keep informed about trends in complements of the different Departments, not spasmodically as requirements for additional staff occur, but under a system which will ensure that the static or contracting, as well as the expanding branches, come under review. Such a review cannot be carried out in a few hurried hours at Estimate time but the printed annual Estimate should be used as the basis for investigation over the whole year. Any additional analysis of the information given in the Estimate which may be required for such investigations should be furnished by Departments as necessary. In particular, Departments should provide the Treasury with Organisation Charts in a form to be arranged between the Department and the Treasury division concerned and the charts should be brought up to date from time to time. Clearly, in the case of the larger Departments, these Charts need not cover the whole range of Departmental establishments outside headquarters nor need they give detailed information of posts junior to Principal. In general, however, the aim should be that the Treasury should be given all the information they need to enable them to keep abreast of developments, without Departments being burdened with unnecessary returns which cannot profitably be digested in the Treasury.

(*b*) A special duty rests on the Treasury at Estimate time to advise the Chancellor of the Exchequer of the

probable demands of Departments in the following financial year, including those for expenditure on staff. Departments should give the Treasury the fullest possible information about their prospective complements in good time before the Estimates are formally submitted.

(*c*) The Treasury officials concerned with the complements of Departments should take every opportunity to familiarise themselves with the whole establishment of the Departments with which they are concerned. They should collaborate as far as possible in any surveys being undertaken by Departments, including, of course, the special surveys recommended by Working Party No. 4, should be furnished with any information as to the result of such surveys which they require and should pay special attention to the standards of grading adopted. The aim should be to secure that the whole of a Department's establishment or representative sections of the establishment are examined over a period of, say, three to five years. By this process they would not only get a much better idea of the requirements of particular Departments and of the measure of control exercised, but would also obtain a view of the standards of grading adopted in various Departments which should assist, not only in an intelligent criticism of the complements of a particular Department, but also in the observance of common standards for the Service as a whole.

Participation in these systematic surveys will mean that Treasury officers will have to spend far more time away from their desks visiting the Departments with which they deal. This is all to the good. In particular, it will mean, we hope, that such proposals as will still be subject to detailed Treasury control will be discussed informally at the policy-forming stage, and that this will greatly facilitate the disposal of the subsequent formal application.

(*d*) The above arrangements should give the Treasury all the information required to discharge its constitutional duties. This information they will, of course, be free to use to found criticisms of numbers or gradings and to call for amendments—as under the existing arrangements. Given these arrangements for systematic and regular investigation into the whole Departmental structure the Treasury should reduce detailed control to the bare minimum. We doubt whether it will be useful for us to suggest a code defining the limits within which different categories of Departments should be free to vary their complements without prior Treasury sanction. But those Departments which the Treasury consider should be given the greatest measure of delegation, should, we suggest, be authorised to vary their complements without prior Treasury approval in all grades up to and including Principal and the corresponding grades. We hope this arrangement might eventually be extended to the analogous professional and scientific grades but for the present, whilst the structure of these grades is still being settled, we think that the Treasury will have to retain its existing control. We also suggest that the Treasury should not hedge these concessions by requiring that variations of complements in certain senior grades should be subject to a maximum number of such posts not being exceeded.

(*e*) The Treasury might also reasonably require certain categories of cases to be put to them for prior sanction even when they fell within the limits suggested above. For example, the Treasury might require prior sanction for:—

(i) Any proposal by a Department to undertake any important new function or to extend an existing function to a considerable degree. The Treasury has a right to prior notice of such developments even when the staff required may all be in grades where the Department is normally free to vary complements without prior Treasury authority.

(ii) Any proposal of controversial interest. For example, the Treasury at the present time should always be

consulted on any proposed increase in Public Relations staffs and at all times it should be consulted on any proposal which involves, in form or effect, the creation of a new Departmental grade.

(iii) Any proposal for a wide adjustment of the structure of a whole class or grade, e.g., an increase in the proportion of senior to junior posts designed primarily to improve career prospects, or an alteration in grading standards.

(*f*) Finally, it should be open to the Treasury at any time to withdraw, modify or suspend a general delegation if they felt that circumstances justified such a course.

(*g*) Clearly the small Departments will not require the same limits within which to settle their own complements as the larger ones but even the smallest units should be given some discretion, if only to make additions in the basic executive and clerical grades within 10 per cent. of a complement agreed at an annual review and to switch posts in those grades from one branch to another. One of the difficulties in giving even limited powers to the small Departments is that in some cases their size does not justify the setting up of a fully organised Establishment Branch. Very often their Establishment Officer is engaged only part-time on Establishments and for the rest on professional work. In such cases, e.g., in the Museums and in some of the legal Departments, the Establishment Officer is bound to lack some of the required technique and tends to rely on the Treasury. We suggest, as a solution to this problem, that a group of such Departments might employ a common Establishment Officer, who would be chosen for his knowledge of Establishment technique and would be of a rank suited to the overall size of the Departments for whom he would work. There would be no question of this officer being an independent authority, legislating over the heads of the different Departmental chiefs. On the contrary, he would be a subordinate of each of those heads of Departments. He should, however, be able to offer them expert advice, and he would of course be normally the sole channel of communication with the Treasury. The Treasury, for their part, should gain by having an authority with whom to deal who would be more versed in Establishment lore and for this reason we feel it would be suitable for them to give him some delegated authority. The Museums and legal Departments would lend themselves particularly to this kind of treatment.

27. We believe that action on the above lines would cut out much correspondence and work which at times produces more vexation and delay than savings in manpower and money. In the Treasury, apart from involving rather closer collaboration of Establishments and O. and M. Divisions it might mean an increase in staff, but we hope that even such a development would be regarded as worth while if it increased the Treasury's effective control over Civil Service establishments.

Treasury Chambers, S.W.1

2nd March, 1948.

APPENDIX

Examples of the extent of delegated authority given to eight typical Departments to vary their total complements without reference to the Treasury.

(1) Of three Departments that have authority to create posts up to and including the Higher Executive Officer level :—

Department " A " has a total non-industrial staff of 40,000.

Department " B " has a total non-industrial staff of 9,000.

Department " C " has a total non-industrial staff of 1,000.

(2) Of Departments that have authority to create posts up to and including the Executive Officer level:

Department " D " has a staff of 12,000.

Department " E " has a staff of 4,000.

(3) Of Departments with delegated authority up to and including Clerical Officer :—

Department " F " has a staff of 38,000.[2]

Department " G " has a staff of 5,500.

Department " H " has a staff of 250.

Annex B

EXTRACT FROM ESTABLISHMENT OFFICERS' CIRCULAR No. 107/47

Inspection

4. Departments are asked—where it does not already exist—to develop an efficient working system of work survey or staff inspection to ensure throughout the Department that only work which is really necessary for the proper discharge of essential functions is carried on, and that enough staff (but no more) are made available for such work. An inspection branch for this purpose should, of course, be under the direct control of the Establishment and Organisation Officer. Inspection so directed should produce manpower economies—indeed, that is a prime objective—but it will do so as a by product of greater efficiency and not directly as a result of " body-snatching."

5. The best results will be obtained if there is a good spirit between the staff inspection section and the supervisors. Ideally, the first-line supervisor should be able to regard the staff inspectors as advisers whose knowledge of work processes is necessarily much wider than his own, and on whom it might be useful to call in reviewing his staff requirements.

6. Experience varies between Departments as to staff inspection. Some Departments have systematised their arrangements and are able to help those who will now be making a beginning in this field. To promote the interchange of techniques and experience between the various Departments and staffs, periodic gatherings of staff engaged on inspection are to be arranged. Particulars of these will be circulated separately. In the meantime, Departments should go ahead with action on the lines most appropriate to their circumstances.

Relations with O. and M.

7. Staff Inspection and O. and M. have the same objective—greater working efficiency in the Department—but they should remain quite distinct. The viewpoint, the technique, and the background knowledge and training required are all different. Staff Inspection should work by regular scrutiny of staff numbers and grades in relation to work load and by the direct elimination of profitless jobs. O. and M. is primarily responsible for carrying out a planned review of the whole organisation and methods of the Department and for making detailed studies in particular branches or of particular jobs. Staff Inspection should ask O. and M. to take over when procedures seem to need radical re-modelling ; O. and M. should ask Staff Inspection to look at offices where difficulties, such as delays, seem to be due to poor working pace or inadequate supervision.

[2] In addition this Department has been given " block grants " to create, within specific limits, new posts at the Executive Officer and Higher Executive Officer level.

Local Government in Germany

THE Foreign Office have issued an interesting White Paper entitled "A Report on some Methods used to Assist Local Government and the Civil Service in the British Zone of Germany." (Cmd. 7804). The introductory paragraphs give the following background:

The Potsdam Agreement laid down that one of the purposes of the occupation of Germany should be "to prepare for the eventual reconstruction of German political life on a democratic basis." Accordingly "the administration in Germany should be directed towards the decentralisation of the political structure and the development of local responsibility." To this end local self-government was to be "restored throughout Germany on democratic principles and in particular through elective councils."

2. Modern local self-government in Germany had begun in 1808 when Freiherr vom Stein, the Prussian Minister of State, introduced his Statute for the Prussian towns. This Statute vested complete power in the community through its freely elected Town Council, and also provided for as little State supervision as possible. During the nineteenth century, however, although self-government replaced the State administration in some spheres, the Central Government maintained its own administrative machine intact and treated the various levels of local government more as administrative organs than as genuinely independent bodies competent to formulate policy for themselves. Under the Weimar Republic, despite certain reforms, this tendency towards centralisation continued. It was especially strong in the financial sphere, and by 1930 had developed to the extent that local authorities were losing their most important taxes to the Central Government which, in turn, distributed back to them the proportion of revenue it thought fit. This financial stranglehold meant the end of any real local self-government, and local authorities had virtually become mere agencies of the State even before Hitler set the final seal on the process with the *Gemeindeordnung* (Local Government Code) of 1935 which substituted party nominees for elected representatives.

3. In order to further the principles enunciated in the Potsdam Agreement and to assist in the establishment of a truly democratic German State, the British authorities set themselves the following aims:—

(i) To provide a form of government for local affairs directly responsible in its own sphere to the electorate of the locality concerned.

(ii) To decentralise the Civil Service so that each elected council had complete control of its own public servants.

(iii) To ensure that public services at all levels became non-political instruments of administration.

(iv) To replace the authoritarian tradition of German officialdom by a spirit of service to the people.

The broad principle underlying all these aims was that the people should through their elected representatives be the rulers.

4. In the initial stages of the occupation these aims were furthered directly by Military Government legislation. Early in 1947, however, primary responsibility for local government and civil service matters was handed over to the German authorities themselves; they then began to legislate once more, the British authorities merely retaining a right of veto. In order that the aims mentioned above might be realised in this German legislation, and at the same time in order to spread a knowledge of the principles and practices of democratic self-government, the British authorities used indirect methods of assistance. It is with certain of these methods that this report is concerned. Before details are given, however, the reasons for their adoption will appear more clearly if certain of the difficulties which faced the British authorities are briefly indicated.

5. The ideas which Military Government set out to encourage of course found ready acceptance by many Germans. They were not ideas peculiar to the British form of democracy and a large number of Germans already shared them or was prepared to do so. However, although elected local Councils were set up, two main causes still impeded the achievement of the aim that the people should be the rulers. First, there was still a strong tendency on the part of some officials to dominate policy, and so to encroach on the rights of the electors. Secondly, certain administrative provisions imposed serious limitations on the enjoyment by local authorities of a wide responsibility over their own local affairs.

6. The tendency of officials to dominate policy was in part a legacy of a former German system known as the *Magistrat*, in certain forms of which a kind of Executive Committee, consisting of both councillors and officials with the senior official in the Chair, had dealt with much of the Council's work including policy decisions. In this way officials, instead of limiting their activities to advising elected representatives and executing decisions, sat and voted on an equal footing with the elected representatives. Thus not only was policy being handled by individuals who did not have to offer themselves periodically for re-election, but officials, once they had committed themselves to a view which might differ from that of the elected representatives, had lost that impartiality which is necessary to any public servant in the proper implementation of the people's wishes. This system of a mixed Executive Committee was not re-introduced after the war. Instead, many Councils delegated work to a Main Committee comprising only elected councillors. It frequently happened in the early stages, however, that these councillors on the Main Committee, as much through habit as apathy, were content to leave even policy decisions to the officials, as they had done under the old *Magistrat* system. The officials in turn, resentful at the loss of their former power, were quick to exploit this position and to arrogate to themselves once more the task of formulating policy. Once the official had begun to trespass into the sphere of the elected representative in this way there was a tendency for him to become implicated in party politics. Even after 1946 it was found both at the local government level and elsewhere in the public services that in many cases the political views of candidates were taken into account in connection with recruitment and promotion. Moreover, in the public service there were features in the methods of selection, the qualifications required, and the system of training which were not adapted to a Civil Service of a democratic State. Another factor which tended to put undue power into the hands of the officials was the treatment by many local authorities of their budgets. These were too often regarded as authority for officials to spend the amount allowed for each item as they pleased, without any supervision from spending committees. Among the administrative limitations on local responsibility were the rigidity of the revenue and the tendency of higher authorities, instead of calling upon the Councils of lesser authorities to carry out tasks delegated to them for implementation, to treat the officials of the lesser authorities as though they were their servants. Conversely, the officials of the lesser authorities tended to look to the higher authorities for orders rather than to their own Councils.

7. In view of these circumstances it was thought desirable to emphasise certain principles to the Germans. Accordingly, the main principles of local government included in discussions with the Germans were as follows :—

(i) That elected representatives should decide policy while officials should give advice and implement decisions.

(ii) That the policy recommended in Committee should be subject to public debate in Council.

(iii) That sufficient responsibility over finance, including revenue, should be given to local authorities in order to make local self-government a reality.

(iv) That officials should be non-political and that recruitment and promotion should be on the basis of

suitability for the position, not because of party political sympathy.

(v) That the local official should be responsible to his own authority, owing no allegiance to superior levels of government.

8. It was not the intention to compel acceptance of these principles by means of long-term legislation and precept. Indeed, as has been seen, legislation quickly became a matter for the Germans themselves. The aim was to demonstrate to the Germans, for so long compulsorily cut off from contact with the democratic way of life, how such principles were working in practice elsewhere, and to provide an opportunity for co-operation and friendly relations between countries by interchanges of visits between participants in the activities concerned.

9. By such visits and other means, the endeavour to establish these democratic principles has met with substantial success, particularly with the elected councillors and most of the younger (though not necessarily junior) officials. Opposition has come mainly from some of the older officials who look back with regret to the time when they controlled both the formulation and execution of policy, and from certain politicians. Democratic local self-government and a democratic Civil Service in Germany are, however, still in their infancy and they require all the support and encouragement that can be given to them. It is therefore important that the work already put in hand should continue.

The report then goes on to explain the methods which have been adopted to assist local government and the civil service in Germany. German elected representatives and officials have visited Local Authorities and British experts have taken part in conferences and discussions in Germany. The Foreign Office, local authorities and many individuals in this country have made a great effort. Nevertheless as the Report says "in spite of the encouraging outlook, much still remains to be done." It is to be hoped that the good work will be continued. Even on a selfish view it has its advantages for local government in this country. For looking at the German system and what happened to it under Hitler has made many people see much more clearly not only the merits of the British system but also the real significance of having proper local self-government.

CORRESPONDENCE

The American Loyalty Programme

In the course of a letter dealing with other matters, Professor Leonard D. White, of the University of Chicago, writes :—

> " In due course of time I hope that the *Journal* may publish a further article on the American loyalty programme. The article by M. H. Bernstein in the Summer issue, 1949, while informative, was misleading in some particulars. On page 106 he states that sympathetic association with an organisation listed by the Attorney General has become the principal ground for dismissing employees as disloyal. This statement was so contrary to my own experience as a member of the Seventh Regional Loyalty Board that I took occasion to write to Commissioner James M. Mitchell to ask for a statement covering a broader range of experience. He informs me that, of the 216 cases rated ineligible up to May, 1949, not a single case was rated ineligible on ' association with ' but rather because of ' membership in.' I thought you would be interested in the figure and also in this further evidence on the care with which the phrase ' sympathetic association with ' is being handled."

The Civil Service Socialist

SIR,

I was interested to read the article in your Autumn, 1949, issue under the above heading. It revived old memories, as I was Secretary of the organisation that preceded the Civil Service Socialist Society and from which it was formed.

My earliest recollection is of the spontaneous formation of small groups of socialists in the larger London Post Offices. In my own Office where there was a very large staff, we called our group a part of the " Clarion Fellowship " which centred around the " Clarion ", a virile propagandist journal edited by Robert Blatchford, and published weekly. The Fellowship had an active social side, including a National Cycling Club, and " Clarion " vans toured London and the Provinces proclaiming the socialist teachings. We had our own Group Librarian who distributed books dealing with social and economic subjects to our members. Some of the books we purchased ourselves and these were supplemented by books loaned to us by the Fabian Society. The latter were chosen from their catalogue and distributed in boxes, which could be frequently changed. There was a small charge for these books, some of which would have been otherwise out of the reach of our members.

The small Office groups mentioned above soon contacted each other and set up a Joint Committee of Post Office Socialist Societies, and I was elected as its Secretary. In addition to the items mentioned above some idea of our activities can be gathered from the fact that a meeting of our members was addressed by J. Ramsay Macdonald, who, if my memory serves me aright, was not then a Member of Parliament. We also spent a day at Letchworth Garden City where we were addressed by Ebenezer Howard, the founder of the Garden City movement.

After a while groups were also formed in some of the larger Provincial Post Offices and became attached to our Joint Committee. We were not in personal touch with them as they did not attend our meetings, and it was this fact that gave rise to the move to set up the Civil Service Socialist Society. The Central Telegraph Office group was the most persistent supporter of the move and the first Secretary of the Society came from that Office. My personal reactions were not altogether favourable to this move, as I felt that our less rigid organisation was more

suitable to our needs. However, the Society was duly formed and made some progress and, while I remained a member, my activities were directed to other channels. My recollections are not, therefore, sufficient to give an accurate and detailed account of the activities of the Society, but a perusal of its journals will supply this deficiency. I remember, however, a very crowded and successful meeting at Holborn Hall being addressed by Victor Grayson, M.P., after his spectacular success at Colne Valley. It was also at Holborn Hall on the occasion of the first Social and Dance held by the Society that I was presented with three books, which are my principal reminder of those early days. The Society was one of the casualties of the 1914-18 war and went out of existence in 1915.

Yours faithfully,

G. W. BRUNTON.

Book Reviews

The President and the Presidency

By Louis Brownlow. Public Administration Service, Chicago. $2·75.

Every student of recent American politics knows that Mr. Brownlow has rendered distinguished service for many years to the study of public administration in the United States. The present volume, which is more or less of a transcript of his Walgreen lectures, given at the University of Chicago in the spring of 1947, hardly represents Mr. Brownlow at his best. He has seen the Presidency pretty closely for over 40 years; and there are some well-known reports which indicate how carefully he has sought to analyse and appraise its immense problems. Here, however, apart from some interesting and, on occasion, amusing anecdotage, he has been content to restate conclusions, none of which is new, and few of which are not far better stated in other books by writers who have rarely had so near and so intimate a view of the Presidency over so long a period. The result is that the expectations aroused by the name of Mr. Brownlow in this context unhappily remain unfulfilled.

Few people will disagree with his overall conclusion that the Presidency is an unique institution, which could hardly flourish except on American soil. Few would disagree with him that it is futile to try to graft parliamentary institutions like those of Great Britain on to a tree so firmly planted in that soil; neither Luther Burbank nor Lysenko could hope to succeed in such an effort. Nor would most people want to deny that most Presidents have, where they took their responsibility with appropriate seriousness, found that their eminence made for a deep personal loneliness which was concealed neither by the restless vigour of Theodore Roosevelt, nor by the enchanting gaiety which, from time to time, flashed out from the complex character of his remarkable successor of the same name. These, and half a hundred truisms of the same kind, most students of American government have known for many years; and they did not really need the authority even of Mr. Brownlow's confirmation to make them acceptable.

What he could have told us that it would be really valuable to know he does little more than touch upon in a brief way. The first is whether there are effective institutional means discoverable by which the formal leadership of the Executive power in the American Government can be made into a real leadership. Thus far, it is obvious that the devices of the Re-organisation Act of 1939 have been only a very partial success; and the recent resignation of Dr. E. G. Nourse has made it obvious that the President's Council of Economic advisers lives its life on the periphery of Presidential policy, and not very close to its centre. Nor is it easy to see how a permanent Re-organisation Act, giving the President the right so to re-organise the divisions and bureaux that each can be brought by Executive Order under the control of a major officer of the Government, subject to Senate confirmation after choice by the President, would really achieve the unified direction by the President that Mr. Brownlow has in mind. First of all, it is morally doubtful whether Congress would confer upon him a power that clearly would immensely increase his authority; and, second, it is still more doubtful whether the chairmen of most Congressional committees would accept the reduced stature that would inevitably result from such a transfer of power. Mr. Brownlow does not sufficiently emphasise the fact that the principle of the separation of powers makes it inevitable that there should be a struggle between the President and Congress for supremacy, and that a grant of authority in one direction by Congress would only transfer the struggle between them to another area. Some of the particular remedies Mr. Brownlow urges, like the conferment of a power of Presidential veto over particular items in supply bills, if familiar, are none the less admirable. But the truth is that the malady Mr. Brownlow is discussing goes deep into the foundation of the American constitution, and they cannot be adequately

discussed save in the context of a scrutiny of the primary principles upon which it is based.

The basic problems of the federal government in the United States go in far, far deeper than any level Mr. Brownlow has discussed in these pages. The difficulties of the Presidency are, in part, those of his Cabinet and his officials. But these are linked, in their turn, to grave weaknesses in both Houses of Congress; and these relate to the whole construction of the American pattern of rule as it has been changed and re-organised since 1787. Mr. Brownlow warns his fellow-citizens against the danger of fearing democratic institutions—it is a salutary warning. But he does not seem to remember how deeply they were feared by the Founding Fathers, and how carefully they wove their fears into the majestic tapestry of the Philadelphia Convention. It will take a good deal more than the fragmentary proposals Mr. Brownlow here makes, always, be it added, with his natural ease and charm, to achieve the results for which he hopes. It is to that deeper analysis which has become so urgent that men of Mr. Brownlow's experience ought to begin by devoting their attention.

HAROLD J. LASKI.

Financing Canadian Government

By A. E. BUCK. (Public Administration Service, Chicago.) 1949. Pp. xi, 367.

IN so many ways Canada stands midway between the U.S. and the U.K., akin to each, shaping her institutions on both models, yet possessing a distinct individuality of her own, a bridge and no mere hybrid. Of nothing is this more true than of her system of public finance. In their fundamental lines Canadian financial institutions are British, just as are her political institutions; but they have developed along somewhat different routes; while in her federal aspects she is nearer to the U.S. than the U.K. In respect of town government also Canadian communities have been much influenced by what they can see south of the border, and have sometimes attempted to copy directly, not always with success.

Dr. Buck sets out to explain Canadian financial institutions to Americans. For this he is well suited, for he is one of the co-authors of the "Task Force" (subcommittee) Report on Budgeting and Accounting contributed to the Hoover Commission on the organisation of the Executive Branch of the Government. But since he has a very good knowledge of British institutions also, he achieves considerably more than this modest target; the comparison between British and Canadian institutions is perhaps even more interesting than that between Canadian and American, because the two systems are so closely related. Dr. Buck starts with a thorough survey of central (Dominion) financial institutions, including budgeting, supply and appropriation, he then examines the Dominion Debt situation, which leads him naturally to war finance. There follows a most useful chapter on the history of Dominion/Provincial fiscal relations, summarising events from the first Rowell-Sirous Report to the latest individual negotiations with the Provinces. Further chapters deal with provincial and municipal finance respectively.

Canadian institutions resemble British for two reasons, first because the British North America Act formally embodied the well-known structure more or less intact, secondly because a series of recent reforms (in the 1930s) have had the general effect of bringing the substance of Canadian institutions more into line with British practice. This is true for instance, of the form of presentation of the Estimates, of accounting procedure, and especially of the enhanced power of the Ministry of Finance, making it more closely parallel to the British Treasury, with a marked improvement in the integration of fiscal policy. A realisation of the significance of these reforms is essential for the understanding of modern Canada.

At the same time it was the British North America Act which determined the essential structure. With Cabinet Government Canada took over also the famous British Standing Order which requires a charge on the Public Revenues

to emanate from the Crown (or in this case the Governor-General), thus ensuring that the budget will go through Parliament substantially as planned. It took over also the practice of Supply and Ways and Means debates in Committee of the Whole House, and the strict annuality of the British budget, although (and this is probably an improvement on British practice) a longer period is formally allowed for the closing of the year's accounts in the Departments. With the greater importance of the Ministry of Finance, effective control over the pace of Departmental spending (which is still a stumbling block in the U.S.A.) is obtained, as in Britain, through Accounting Officers in the Departments, but maintaining close contact with the Ministry of Finance. The Treasury Controller now plays a similar role to that of the Comptrolling functions of the Comptroller and Auditor General, and the post-audit system is now also very similar to British practice.

On the side of Parliamentary control over expenditure there are, however, fundamental differences between Canada and Britain which, formally at least, weaken the position of the Canadian Parliament. It looks as though the trouble starts on the revenue side; the Ministry of National Revenue is much more divorced from the Ministry of Finance than are the British revenue Departments from the Chancellor and the Treasury. This is especially important since under the Canadian system there is no need for an annual Finance Act; all taxes continue automatically. Hence there has traditionally been no confrontation of revenue and expenditure in the budget estimates. Conformably the time of presentation of the Budget is much more arbitrary than in Britain; it does not depend on the formal closing of the year's accounts. This failure to regard the budget as a double-sided plan goes a long way to explain the inability of Canadian governments to avoid deficit financing throughout the 1930s.

There are also fundamental differences —or rather the same difference—in the organisation of the discussion of the Estimates and the criticisms of the Public Accounts Committee: the Government and not the Opposition choose the subjects to be discussed, thus stifling effective criticism. It is not surprising that the P.A.C. hardly ever meets and never criticises. This difference probably also explains the failure of a Committee on Public Expenditure established during the war with precisely the same remit as the highly successful British committee. On the other hand, in some ways the Canadian Parliament is presented with more orderly information; Canada has traditionally had a Capital Budget. Too much should not be made of this, however, as it does not appear yet to be articulated with the current budget, and some, at least, of the items (especially concerned with depreciation of fixed assets) seem to be very doubtfully defined.

A most significant difference between the two countries is the existence in Canada of a very active Treasury Board. This is in effect an inner Cabinet especially concerned with finance, which owes its existence to the necessity for an unmanageably large formal Cabinet in order to preserve the desired territorial balance. The Treasury Board is extremely powerful and may even overrule the opinion of the Auditor-General. Further direct powers accrue to the Government through the use of a Governor-General's Warrant to sanction emergency expenditure. While such devices probably impart a useful flexibility, they are obviously capable of abuse in a way that might seriously weaken the authority of executive officers. On the other hand, as every first-year student knows, expenditure depends on policy, and Canada is one of the few countries in the world which has really achieved planned budget surpluses since the end of the war, and has maintained constant full employment with substantially reduced taxes. This is a testimonial both to the flexibility of her institutions and of their modernisation.

It is much to be hoped that others will be inspired by Dr. Buck's example to write parallel detailed studies of the financial institutions of other Commonwealth countries. They would be of considerable practical importance as well as throwing significant new light on the too little-known subject of comparative financial institutions.

URSULA K. HICKS.

English Social Services: Methods and Growth

By EMMELINE W. COHEN. (Allen & Unwin.) 8s. 6d.

MISS COHEN'S theme is important—the relationship between voluntary and public effort in the growth of the English Social Services. For if this relationship has been fruitful in the past, it is worth while distilling its essence, so that we may the more clearly see what we should do in a changing society.

Unfortunately, although she has some interesting historical data and some wise *obiter dicta*, Miss Cohen fails to sort out her material into any sort of a coherent pattern. " . . . little attempt " she says, " has been made to approach the question of the proper sphere for different forms of administration of social services with any objectivity. Neither the protagonists of the voluntary principle nor their opponents have made convincing cases for their views. The problem is dominantly administrative, and the test, the quality of the service to the recipient." Whether one agrees with the nature of the test or not, at least this pronouncement forecasts some stimulating analysis. But this is the conclusion of the chapter which considers the development of approved schools. " The fact that there are thirty schools which are managed by local authorities has given a basis for forming a judgment on the question of whether there are or are not advantages in management by statutory bodies. The opinion has been held that the present system affords a valuable elasticity in a form of service the benefits of which must depend on the qualities inherent in each separate institution." Objectivity seems to have got us to exactly the same place as most of us are at anyway—that there may be advantages in either system.

Moreover, Miss Cohen does not stick very closely to the test by quality of service to the recipient. Within a dozen pages of making the former of the above statements Miss Cohen is evaluating the Sunday Schools, not in terms of the small amount of education which she thinks they gave to the ignorant poor, but of the considerable education which they gave to their promoters. But she does not follow this most important point any further: how much social legislation was conceived in the wombs of Toynbee Hall and other Settlements, for instance?

There are two ways of studying the relationship between voluntary and public official effort in the development of social services. That chosen by Miss Cohen is the analysis in some detail of certain limited fields, and Miss Cohen devotes most of her book to Social Services for Children during the last 150 years. But if this method is selected, it is important to present the foregound against an adequate background. " The way in which children are treated in a society," begins Miss Cohen, " is significant of that society's values." True enough, but she then devotes half the book to a study of delinquent, homeless, and handicapped children, since the beginning of the 19th century, with barely a reference to the history of education and no general review of educational thought over the period. Yet without this background, the foreground lacks significance. Or again, using as evidence the outlook and actions of prison officials in the 1830's, she generalises that civil servants could only " advocate alterations in practice and make known the defects of the existing system "; which suggests that she forgot about Chadwick. Moreover, if this method of detailed studies is to be pursued, it is important to investigate carefully the significant questions. Miss Cohen points out that there was a wave of interest in juvenile delinquency between about 1840 and 1880, during which period there was much co-operation between central Government Departments and voluntary bodies. For instance, in 1843 the Government offered to meet the costs if the Philanthropic Society would run a reformatory. What prompted the Government to make this offer to a voluntary society and why was it rejected? What influences led to the appointment of a Select Committee on Criminal and Destitute Juveniles, which reported in 1852? And why did voluntary and public interest in the subject almost disappear for a generation after 1880? Miss Cohen

gives us many interesting historical details, but no real insight into the forces at work.

The other method of tackling the subject would be to take certain major creative persons, civil servants on the one hand and voluntary social workers on the other—and some of the greatest have been both—and relate them to the combination of available knowledge, administration and public will to action, which Miss Cohen points out is the prerequisite to social action. Chadwick gets a generous, but brief, mention as a sanitary reformer; Kaye-Shuttleworth, Simon, Morant get none; "a Mr. William Rathbone" and Octavia Hill get two lines each; Eleanor Rathbone gets none; Beveridge is just mentioned as the portrayer of five giants in the path of social progress. Neither Herbert Samuel nor Fred Jowett nor Neville Chamberlain, three great social reformers in fields touched upon by Miss Cohen, gets a mention; yet all these men were able to achieve much because of the union in their own persons, of the voluntary and the public traditions. Charles Booth gets a paragraph. Beatrice Webb is mentioned as being one of his assistants, and for the rest is quoted for three minor observations. It is true that Miss Cohen does not claim to be writing of these people; but it is a curious interpretation of the development of British social services which leaves most of them out so completely, none the less so for the inclusion of several unusual sidelights on Shaftesbury, and much excellent quotation from Mary Carpenter.

ROGER WILSON.

The Structure of Local Government in England and Wales

By W. ERIC JACKSON. (Longmans.) Pp. 261. 15s.

THIS is a well planned, readable book which "sets out to examine the existing forms of local government in England and Wales" and, in modest compass (256 plus xix pp.), achieves this object in a surprisingly complete manner. A strictly factual account is apt unwittingly to imply acceptance of the established system; Mr. Jackson has left to others the controversial topic of reform and has contented himself with a description which should, to use his own words, "assist towards an understanding of the various considerations which influence the development of the system." The book, however, touches on a wide variety of topics which, it is to be hoped, will prompt the student to further inquiry—for example, the problem of the co-ordination of Council policy, the advantages and dangers of the entry of party politics into local government, and such questions as why are people willing to serve on local councils—many of which have an important bearing on the question of local government reconstruction.

A work of this nature risks the inaccuracies which attend brevity, and it is pleasant to record the high degree of skill shown in this direction. One may wonder though, whether, in a town where great store is still laid on freedom by servitude (and where the Freemen are possessed of considerable funds) there would be agreement that the distinction of being a Freeman is, in modern times, "largely titular" (p. 16), or whether many of the county districts will appreciate the reference to local government authorities in the counties (p. 126-7) as a family of individuals with the County Council as the presiding member, in view of the complaints of the shortcomings of county government as at present organised. These, however, are matters rather of opinion than of fact and detract nothing from what has been said of the accuracy of the book.

In the final chapter, the comment is made that recent developments have been so profound that the question arises whether the local government structure remains any longer suitable for modern requirements. The danger of the situation is not that the need of a local organisation for governmental ends will be denied—administrative delay and congestion at the centre would force decentralisation—but that, in the process of reform, on the ground of such pleas as the

national importance of many of the local government services and the large-scale organisation which the technical development of services appears to demand, the administrative mind will prevail.

Fundamentally, the case for representative local self-government is the case for democracy, and neither central administrative convenience nor technical efficiency in the local sphere are basic considerations. That the local government system is in need of urgent reform, few will deny, but there are many would-be reformers who, in defiance of political theory, to which they pay lip service, would reshape local government in the interests of administrative convenience alone, and would, thereby, in the words of another writer, " dissipate by an act of outstanding political folly, the slow gain of centuries of political experience."

Mr. Jackson has done a useful piece of work in the field of factual exposition, and the book should serve its purpose as a necessary preliminary to the critical study of the local government system.

CHARLES BARRATT.

The Two Constitutions

By HAROLD STANNARD. (A. & C. Black Ltd.) Pp. 210. 12s. 6d.

THIS engaging little volume has much of the charm and some of the defects which attach to the work of an enthusiastic amateur. It is inspired by a meritorious desire to examine the methods by which, in their several ways, the United Kingdom and the United States have sought to provide a democratic solution to the age-old problem of reconciling Liberty and Order. So viewed, the object of the book is not entirely novel, and much of the ground which it covers will be familiar to any student of politics. The only line of enquiry which strikes out in a fresh direction is the author's comparison between the Constitution of 1787 and the only written Constitution ever operative in Great Britain, namely the Instrument of Government. Although some of the resemblances here have only a curiosity value, Mr. Stannard makes one or two stimulating and original points.

This apart, the book follows a familiar course, comparing King, President and Prime Minister, Congress and Parliament Parties and Courts. Its greatest merit in these chapters is its gift of easy and clear exposition, which should make it an excellent introduction to the subject for either British or American students approaching it for the first time. There are several statements which the author, had he lived, would no doubt have taken opportunity to qualify or correct. There are some dubious propositions on the nature of American parties, and not everyone will agree as to the alleged harmlessness of the House of Lords during the thirty years after 1911. The U.S. Senate no longer holds the executive sessions described on page 118. The practice of contesting the Speaker's constituency now appears to be acquiring a wider acceptance than the footnote on page 139 would suggest. The index is in many respects faulty. However, these are not irremediable deficiencies and the book remains an agreeable and welcome introductory exercise to comparative institutions.

H. G. NICHOLAS.

Food of the People. The History of Industrial Feeding

By SIR NOEL CURTIS-BENNETT. (Faber.) Pp. 320. 16s.

DURING the past decade there has been a remarkable development in all aspects of industrial catering and it is now generally realised that good canteen facilities can contribute greatly to the health, efficiency and contentment of workers. There is a real need for a book which would critically examine the developments which have taken place and assess the sociological significance of and present trends in industrial catering. The title of this book and the record of its distinguished author raised the hope that here at last was the book which was wanted, but this hope has not been realised. The present book is

not so much a history of industrial feeding as a history of the food and feeding of men and women as members of different types of community, starting with the followers of the Court or the barons in mediaeval times, then passing to the monasteries, the apprentices under the guild system, the poor law institutions and the prisons, and ending with the factory worker. Further, the book is sadly overloaded with lengthy quotations from standard books on economic history or industrial welfare. Nevertheless the author has assembled a great amount of information and has succeeded in providing a fairly connected story of several aspects of his subject.

He commences his account of modern industrial catering with Robert Owen, whom he regards as the Father of the modern canteen. But though Owen carried out his pioneering experiments at the beginning of the 19th century, it was not until the very end of that century that the provision of canteens for workers really became an accepted practice, even among progressive employers. Many of the earlier canteens were, in fact, only mess rooms where workers could eat food which they had brought from home, and where simple facilities might be provided for heating that food. Since 1939 the mess rooms where they existed have given place to more fully-equipped canteens, and, as Sir Noel states, the heating of food "appears to have largely died out nowadays." He also points out that "the war of 1914–1918 marked a turning point in the history of industrial catering." Before 1914 there were barely a hundred regular factory canteens, whereas by 1918 there were probably well on to a thousand such canteens operating or in process of construction. After 1918, however, industrial managements became apathetic about industrial feeding, and for ten years or so there was comparative stagnation in this field. Indeed, the majority of the war-time canteens were closed down soon after the end of the war. Our author attributes this to three things: (*a*) lack of enterprise in canteen management; (*b*) lack of support from directors and general managers; and (*c*) indifference on the part of the workers themselves, resulting partly from lower wages and partly from increased facilities for obtaining food elsewhere.

During the second world war the growth in the number of canteens was astonishing, and it is especially noteworthy that some of the best canteens were to be found in industries and districts, e.g., Lancashire textile mills, where such amenities had been badly neglected in the past. It has been calculated that in 1945 some 50 million meals were being served weekly in factory canteens or British Restaurants which latter were intended largely for feeding workers for whom factory canteens were not available. In 1918 the comparable figure of meals served weekly was about five million. Though some falling off has occurred since 1945, the canteen has maintained its position far better than in the corresponding period after 1918, but the real testing time will come when food shortages and rationing have disappeared. Sir Noel, in examining the cause of failure in the past, quotes from J. E. Budgett Meakin's *Model Factories and Villages*, which attributes many of the failures to the facts (1) that they provided nothing better for the workers than that to which they were accustomed, and (2) that the workers were given no responsibility in running the canteen. This is sound advice, and, if followed, it would do much to enable the canteen movement to hold its own when times become less propitious. In the last few decades standards of conduct and of eating habits have markedly improved, and where standards are low among canteen users it is often the fault of the management in providing facilities of too low a standard. The best discipline is that imposed on the workers by themselves through their own canteen committee.

K. G. FENELON.

Register of Research in the Social Sciences and Directory of Research Institutions, No. 6, 1948/9.

Published annually for the National Institute of Economics and Social Research, London. (Cambridge University Press.) 15s.

THIS is the second public issue of the annual Register of Research in the Social Sciences, the first four issues were published confidentially. It contains much useful information and should be a valuable addition to the reference works in many libraries.

It is very doubtful whether the Register covers all research being undertaken. A considerable number of distinguished academics who are known to be engaged on some form of writing do not appear in the index of names. Generally speaking, persons employed by research institutes predominate whilst the ordinary University teachers apparently make no returns. Section 9, covering Political Science and Public Administration, contains 115 entries of which, however, 64 are Ph.D. Theses. In contrast Section 3 (Economics) contains 278 entries (120 Ph.D. Theses).

Considered as a survey of research in progress, its present arrangement under broad subject divisions, sub-arranged by the place where the work is proceeding, is doubtless satisfactory but regarded as a bibliographical tool it appears somewhat cumbersome. The primary object from this point of view is to be able to discover quickly what work on a particular subject is in progress or has been completed.

If some form of classification could be adopted (as, for instance, that devised for the *Bibliography in Economics for the Honour School of Philosophy, Politics and Economics, Oxford*), and the entries, including theses, were all grouped together under each heading, reference would be facilitated. All research in progress on a particular subject would thus be brought together instead of being scattered over several pages as at present. The first index would then indicate the work being conducted at each institution and if the indices of names and subjects were combined, a search in separate sequences would be avoided. A useful addition would be a list of works completed and published giving author, title, place of publication, publisher and price.

This is an expensive work to produce annually and involves a great deal of repetition each year. Yet, as with all such works, it is out of date almost before publication. Would it be possible to reduce the cost by producing the main volume less often and issuing supplements at more frequent intervals? It would appear almost churlish to raise a small point of accuracy in a compilation involving so much labour, but the bare word "accepted" after a D.Phil. thesis may be misleading since in some cases a B.Litt. may be awarded when the completed work does not reach the required D.Phil. standard.

A little-known form of research work might prove a useful addition to this Register. The University of London Library School requires the compilation of a bibliography on a specific subject as part of the training for the Diploma in Librarianship. These are compiled by graduates and involve considerable research. A selection might provide useful information in some fields, and prevent duplication of work.

It is hoped that this publication will continue and receive strong support, for it is a most valuable source of information.

O. B. BERTIE.

The Law relating to District Audit, by C. R. H. Hurle-Hobbs, reviewed in our last issue, published by Charles Knight & Co., Ltd., and the price is 35s.

Book Notes

Horace Plunkett: an Anglo-American Irishman.

By MARGARET DIGBY. (Blackwell.) Pp. xvi, 314. Illustrated. 15s.

SIR HORACE PLUNKETT was probably best known on this side for his work for agricultural co-operation. Born in Gloucestershire of an English mother, his heart was in Ireland, and the service of the Irish countryside and its people was the main devotion of his life. The co-operative creamery in Ireland, which Plunkett inspired, was his first main instrument of co-operation. He saw that voluntary combination in farming was the only satisfactory solution of Ireland's rural economic problems. It was Plunkett who called into being the Recess Committee of 1895–96. He was made Chairman of this Committee, and as a result the Irish Department of Agriculture had a representative Council of Agriculture, with a Board which it appointed to sit as a cabinet of the Minister. It was a significant experiment in the field of administration, and for seven years Plunkett was the administrative head of the new department. Miss Digby lays special emphasis on Plunkett's pioneer work in the field of Anglo-American and Irish-American relations. The work is a much-needed tribute to the life of a man of great courage and strong convictions, who believed that co-operation all round, national and international, was the goal to be striven after. Despite ill-health and much suffering, Plunkett never ceased to strive. His influence has spread all over the world, and when he died in 1931, at the age of 77 years, he had sown a seed which is still being cultivated in new countries, as well as in the old. Based largely on Plunkett's diaries and letters, not hitherto published, Miss Digby's volume makes a most entertaining and informative account of a remarkable man.

Organising the Larger Units

THE *British Management Review* for July, 1949, contains a valuable article by J. R. Simpson (Director of the Organisation and Methods Division at the Treasury) who explains how certain typical Departments are organised at the top and illustrates his points with the aid of organisation charts. He also has something to say about the organisation of the nationalised industries. A good deal of this information is made public for the first time.

Beauty and the Borough

By COUNCILLOR F. E. CLEARY (St Catherine Press, Ltd.) Pp. 32 and 60 illustrations. 5s.

THIS is a delightfully produced book. It tells the story of the Hornsey Amenity Campaign, and by a series of excellent illustrations shows the citizen the good and bad sides of his borough. Councillor Cleary is to be congratulated on his effort. It should inspire the Councillors and citizens in other boroughs to follow his example.

You and Citizenship

(West Suffolk County Council.) Pp. 32. 2s. 6d.

THE West Suffolk County Council sponsored a series of talks on " You and Citizenship " and have now published a summary of them, along with an introductory article by Dr. J. W. Skinner, entitled " The Call to Citizenship." The talks covered both national and local government. The booklet contains no illustrations other than a good photograph of the Palace of Westminster on the front cover. This is a great pity, for though photographs and charts may increase the total cost, this consideration is heavily outweighed by the greater impact made on the citizen.

Consultation on Joint Management

(Fabian Tract 277.) 1s.

THIS is a discussion of the management of nationalised industries with particular reference to the organisation of the Post Office. The main contribution is by J. M. Chalmers, who puts the viewpoint of the Union of Post Office Workers (Mr. Chalmers is Editor of *Post*). Mr. Ian Mikardo and Professor G. D. H. Cole add interesting and stimulating comments. This is an important pamphlet. We hope to review it more fully in the Summer issue.

The turbulent London of Richard II

By RUTH BIRD. (Longmans.) 1949. Pp. xxiv, 156. Bibliography. Map. 18s.

THE struggle at the end of the 14th century, when a serious effort was made to break the power of the merchant capitalists in London. The capitalists gained the victory, and the author maintains, from evidence collected from the City records, that the result was mainly due to the political apathy of the average London voter.

The Law of Trade Unions

By HARRY SAMUELS. 4th ed. Pp. xv, 96.

THE new edition of this well-known guide to trade union law contains a full exposition of the law as it stands after the passing of the Trade Disputes and Trade Unions Act of 1946.

Carnegie Endowment for International Peace

Edited by MARLEY O. HUDSON and LEWIS B. SOHN. Vol. viii, 1938–1941. International legislation: a collection of the texts of multipartite international instruments of general interest. Pp. xlviii, 653. 1949. Washington. $4.00.

Nottingham through 500 years: a short history of town government

By DUNCAN GRAY. (Guildhall, Nottingham.) 1949. Pp. 132. Illustrated. 4s.

THIS account of the development of local government in Nottingham is compiled largely from unpublished manuscripts and records. It is of more than local interest, as it contains interesting material relating to the Civil War, and the Luddite riots. The 36 pages of illustrations give added value to the record. Many facsimiles of interesting documents are included, and the work as a whole provides a good example of city development in this country.

A survey of legal periodicals held in British Libraries

(University of London, Institute of Advanced Legal Studies). Publication No. 1. 1949. Pp. 52. 7s.

THIS publication is the first step which the Institute has taken in its task of making the contents of other libraries than its own known and available to "approved readers." The holdings of 31 London libraries and 23 libraries outside London are given. The periodicals list is in alphabetical order, with the dates of the particular runs in each library. Periodicals which are really law reports and those specially dealing with Patent Law have been omitted. The volume should be very useful to law students and to all those who have need of legal literature.

Income tax

By C. N. BEATTIE. (Stevens.) 2nd ed. 1949 ("This is the Law" series.) Pp. 114. 4s.

STATES the law existing on August 1st, 1949, and is particularly addressed to the layman.

Aids toward better public service

By VERA BRISCOE. (Kentucky University. Bureau of Business Research.) 1949. Pp. 35,

Aids to Kentucky governments: a directory

By VERA BRISCOE. (Kentucky University, Bureau of Business Research.) 1949. Pp. 149.

THE first-named pamphlet aims to help state and local officials to appreciate the extent and

sources of technical aids towards the understanding of the processes of government. The second work is a classified directory of the various agencies which are prepared to provide technical service in particular fields.

Municipal Year Book, 1949: the authoratative résumé of activities and statistical data of American cities

Chicago, International City Managers' Association.) Pp. viii, 582.

THE 16th edition of this annual, in addition to the usual sections on "Governmental Units," "Municipal Finance," and "Municipal Activities" has new data on measuring the effectiveness of health, recreation, police and traffic safety activities, and a chapter on "Municipal Research." The charts and the detailed sources of information in each subject are specially valuable features of this year book.

Selected list of Official Publications

having particular reference to Public Administration. All the items are available in the Library of the Institute.

Board of Trade. Overseas economic surveys.
British West Africa. Feb., 1949. 1s. 3d.
Iraq. June, 1949. 1s.

Boundary Commission for England.
Report with respect to the area comprised in the Borough constituencies of Birmingham. Cmd. 7787. Pp. 4. 2d.

British Broadcasting Corporation.
Annual report and accounts for the year 1948–49. Cmd. 7779. Pp. 33. 9d.

British European Airways.
Report and accounts for 1948–49. H.C. 243. Pp. 54. 1s. 3d.

British Overseas Airways Corporation.
Report and accounts for 1948–49. H.C. 242. Pp. vii, 56. 1s. 3d.

British South American Airways.
Report and accounts for 1948–49. H.C. 244. Pp. 43. 1s.

Colonial Office.
Colonial Annual Reports, 1948:—
British Guiana. 2s. 6d.
Brunei. 4s. 6d.
Gibraltar. 2s.
Mauritius. 4s.
Somaliland Protectorate. 1s. 6d.
Tonga. 1s. 3d.

Central Statistical Office.
Monthly digest of statistics. Nos. 44–46. August, September, October, 1949. 2s. 6d. each.

Colonial Office.
Corona: the journal of His Majesty's Colonial Service. Vol. 1, Nos. 8–10, September, October, November, 1949. 1s. each.

Colonial Office, Colonial No. 248.
Gold Coast: Report to H.E. the Governor by the Committee on Constitutional Reform, 1949. (Coussey report.) 2s.

Colonial Office, Colonial No. 250.
Gold Coast: Statement by H.M. Government on the Report of the Committee on Constitutional Reform, Oct. 14th, 1949. 4d.

Colonial Office. Inter-University Council for Higher Education in the Colonies. 2nd report, 1947–49. Cmd. 7801. 6d.

Committee of Public Accounts. Session 1948–49.
First, second and third reports. H.C. 104–1; 233–1. 1949. 14s.

Committee on Supreme Court.
Practice and Procedure. Interim report. Cmd. 7764. Pp. 58. 1949. 1s.

Department of Scientific and Industrial Research.
Report for the year 1947–48, with a review of the years 1938–48. Cmd. 7761. Pp. 103. 1949. 2s.

Foreign Office, Miscellaneous No. 14 (1949).
Report on the Proceedings of the First Session of the Council of Europe (with related documents). Strasbourg, Aug. 8th–Sept. 8th, 1949. Cmd. 7807. 9d.

Foreign Office. Treaty series, No. 56 (1949).
North Atlantic Treaty, Washington, April 4th, 1949. Cmd. 7789. Pp. 9. 4d.

Foreign Office, Treaty series, No. 57 (1949).
Universal Postal Convention, Paris, July 5th, 1947. Cmd. 7794. 1949. 2s. 6d.

General Register Office.
Estimates of the sex and age distribution of the civilian population in regions and administrative areas of England and Wales at December 31st, 1947. Pp. 50. 1949. 2s. 6d.

General Register Office.
Statistical review of England and Wales for the year 1947. Tables, part II—Civil. 1949. 3s.

Home Office.
Report of the Commissioners of Prisons and Directors of Convict Prisons for the year 1948. Cmd. 7777. Pp. 124. 1949. 2s. 6d.

Home Office.
Report of the Privy Council on the Island of Alderney. Cmd. 7805. October, 1949. 9d. (Particular reference to the form of government.)

International Court of Justice.
Year Book, 1948–49. Pp. 163. Bibliog. 9s.

Ministry of Education.
Circulars and administrative memoranda issued during the period April 1st, 1948, to March 31st, 1949. Pp. irreg. 1949. 12s. 6d.

Ministry of Food.
The Advertising, Labelling and Composition of Food. Pp. 81. 1949. H.M.S.O. 1s. 6d.

A reference manual on developments of the law relating to food composition and food labelling. It covers the regulations preventing the use of misleading labels and advertisements, controlling food labels and regulating the composition of food, and gives an account of four years' administration of the Defence (Sale of Food) Regulations, 1943.

Ministry of Labour and National Service.
Cotton Manufacturing Commission: Final report of an inquiry into wages arrangements and methods of organisation of work in cotton manufacturing industry. Parts II, III and IV. Pp. 87. 1949. 1s. 6d.

Ministry of Labour and National Service.
Report of a Board of Conciliation appointed . . . to assist in the consideration of certain problems relating to wages and conditions of service of Railway Shopmen with a view to promoting a settlement. May, 1949. Pp. 20. 6d.

Ministry of Labour and National Service.
Report of a Board of Conciliation appointed . . . to assist in the consideration and settlement of certain problems relating to salaries, wages and conditions of service of the conciliation and salaried grades on the railways, July, 1949. Pp. 132. 2s.

National Assistance Board.
Report for the year ended December 31st, 1948. Cmd. 7767. Pp. 60. 1949. 1s. 3d.

New Towns Act, 1949.
Report of the East Kilbride Development Corporation for the period from August 8th, 1947, to March 31st, 1949. H.C. 256. 6d.

New Towns Act, 1946.
Reports of the Aycliffe, Crawley, Harlow, Hatfield, Hemel Hempstead, Peterlee, Stevenage and Welwyn Garden City Development Corporations for the period ending March 31st, 1949. H.C. 236. 3s.

Oversea Education.
Vol. XX. No. 4. July, 1949. 1s. 3d.

Overseas Food Corporation.
Report and accounts for 1948–49. H.C. 252. This first report gives details of the History and Organisation of the O.F.C. 3s. 6d.

Postmaster-General.
Post Offices in the United Kingdom, excluding the London area, October, 1949. 1s. 6d.

Scottish Department of Health.
Memorandum on the procedure set forth in the Local Government (Scotland) Act, 1947, for forming, altering, combining, and dissolving special districts. Pp. 11. 1949. 3d.

Select Committee on Estimates, session 1948–49.
10th report—Hostels. H.C. 238. Pp. xx, 156. 1949. 5s.
11th report, with minutes of evidence taken before sub-committee E, and appendices—Agricultural services H.C. 239–1. Pp. li, 340. 1949. 9s. 6d.
Machinery service, gang service, pest control, field drainage, etc.

Singapore, Colony of.
Annual report, 1948. Pp. 166. Illus. Maps, bibliog. 1949. 10s. 6d.

Statutory Instrument. 1949. No. 1618.
Road Traffc and Vehicles: registration and licensing. Pp. 45. 1s.

Treasury.
National Debt return for each of the years 1938–39 to 1948–49. Cmd. 7771. Pp. 23. 6d.

United Kingdom balance of payments 1946 to 1949. Cmd. 7793. Pp 11. 4d.

United Nations.
Maintenance of full employment: An analysis of full employment policies of governments and specialised agencies. Pp. 98. 1949. 3s. 9d.

United Nations, Bulletin of statistics, October, 1949. 3s. 9d.

United Nations, Department of Public Information.
Political rights of women: 50 years of progress. Illus. Maps.

United Nations, Educational, Scientific and Cultural Organisation.
Budget estimates for the financial year, 1950, presented to the 4th session of the General Conference. Pp. 198. 1949. Paris. 12s. 9d.